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ABSTRACT

This report provides a detailed account of California's probation subsidy program. Designed to reduce the county probation department's rate of commitment to state correctional agencies, the subsidy program offers the county a financial reward commensurate with the degree of reduction, an application of behavior modification and learning theory to a social institution. The program benefits the State which consequently maintains fewer correctional facilities, the county which receives financial support, and the taxpayer. Further consequences include better community services, higher standards and self-evaluation in probation departments, and improved supervision by probation officers. The report also examines California legislation for probationary services, the program's organizational consequences, its fiscal impact, and services for probationers. (Author/LAA)

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A Quiet Revolution

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PROBATION SUBSIDY

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A Quiet Revolution

PROBATION SUBSIDY

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U.S. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
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FOREWORD

This publication is a detailed account of the State of California's probation subsidy program, a relatively-new and innovative approach to juvenile and adult corrections.

Simply defined, probation subsidy encourages county probation departments to reduce their rate of committments to State correctional agencies. In return, the county receives a financial reward that is commensurate with the degree of reduction.

Although it was only started in 1966, probation subsidy has already gained a remarkable record of achievement. Indeed, it has prompted one internationally-known penologist, Mr. Richard A. McGee, to speak of the program as "having greater impact on California corrections than any program in the last 25 years."

The subsidy program has enabled probation departments to provide better and more efficient services. New dollars are now available for staff training and developing needed skills. Perhaps the single most beneficial affect has been the establishment of a higher standard of performance, including the ability to perform critical self-evaluation.

As a result of reduced committments, some institutions have been closed or are currently being phased out. And two new institutions have remained unopened.

Also the taxpayer benefits, since it costs far less to treat an offender in the community than to incarcerate him.

The Youth Development and Delinquency Prevention Administration endorses the use of probation subsidy as a viable way for States to aid those offenders entrusted to their care.

The author of this publication is Robert L. Smith, Chief of the Correctional Planning and Development Department of the California Youth Authority, Sacramento. Mr. Smith was the Project Director for the 1964 Board of Corrections probation subsidy study which led to the establishment of the State probation subsidy program.

ROBERT J. GEMIGNANI

Commissioner

Youth Development and Delinquency Prevention Administration

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PROLOGUE

Not all revolutions are dramatic, involving radical upheaval and violent destruction of the old. Some revolutions like the scientific and industrial "do their thing" quietly, bringing about significant changes without fanfare or a great deal of conspicuous attention. Scientific and industrial revolutionaries were within their system and altered that with which they were associated through knowledge and skill.

A quiet revolution of significant proportions began in California's correctional system in 1965 with the introduction of a "Special Probation Supervision Subsidy." The initiators were a part of the system and their revolution has changed the nature of corrections by quietly modifying the profile of the entire system.

California's Special Probation Supervision Subsidy is a program that encourages county probation departments to reduce their rate (not numbers) of commitments to State correctional agencies in return for a financial reward that is commensurate with the degree of reduction they achieve.

In its truest sense, California's Special Probation Supervision Subsidy is an experiment in institutional change. In a very direct sense it is an attempt to apply learning theory or behavioral modification to a 68-year-old social institution—probation. It was not a hastily conceived nor quickly enacted experiment; California's Special Supervision Subsidy was the result of many years of experience and considerable knowledge gained from research and study.

California's Probation Act of 1903

California was the sixth State to enact a general adult probation law. Legislated in 1903, simultaneously with the passage of the

Juvenile Court Law, the adult law provided for the use of probation with adult offenders and empowered judges to appoint probation officers to carry out supervision for such offenders.

The new Probation Act, like those of other pioneer States, imposed no restrictions on the discretion of the courts and the selection of offenders for probation with one exception, the mandatory death penalty. The law was based on the principle that the judge should decide each case on its merits. The offender and the circumstances rather than the offense, were the primary considerations, although the latter also had a role in determining the disposition of the case. The discretionary character of the act was retained for some time before many limitations were introduced through legislation. Eventually, California arrived at a list of exempt offenses (offenses for which probation cannot be granted) longer than any other State. These limitations implied a social policy that vested the State with a primary responsibility for the correction of those offenders the counties did not feel they could—or wanted to—treat in the community. The lengthy restrictions on probation forecast the future population of State correctional institutions, a population that was to be in excess of other major States.

California's initial Probation Act provided only for volunteers or representatives of welfare organizations as probation officers. In 1905, 2 years after the initial act, positions were created in some counties with salaries fixed by law. California's probation system followed the lead of Vermont and New Jersey by adopting a county department plan as opposed to a State-operated system of probation.

Over the years, there was a movement toward the gradual improvement of probation procedures and a growing impetus toward professionalization of staff. Personnel qualifications steadily improved, salaries increased, and methods of personnel recruitment became more selective to a point where most departments now employ professional staff with a bachelor's degree or better.

The Organization of Probation

Probation in California is a county financed and operated function employing well over 5,000 probation officers. Fifty-six of the 58 counties have consolidated departments handling both adult and juvenile probation within the same administrative organization. Two counties have two probation departments, one for adults and one for juveniles. Adminstration of probation de-

partments is by the chief probation officer, an official appointed by either the judge of the juvenile court, the judge of the superior court, or by the board of supervisors. In the two former cases, appointment by a judge is frequently preceded by nomination for appointment by a juvenile justice committee or local screening committee. Increasingly, counties are using some form of merit testing procedure for screening candidates for chief probation officer. In many of the counties the probation department operates a central office and field service and in addition, administers juvenile halls, residential treatment facilities for boys, and in a few cases schools for girls. The basic functions of probation remain two-fold: (1) The investigation of cases referred by the courts and other community agencies; and (2) the supervision of those cases granted probation and ordered placed under supervision.

Since its introduction in 1903, probation has grown in size, professional competence, and importance. California probation costs over $120 million per year and is the backbone of all community correctional efforts. The growth has not necessarily been orderly or rational, however.

After World War II, the rapid expansion and unplanned growth of probation resulted in excessive workloads, unrealistic expectations by both the public and the profession, probation salaries that were less attractive than other professions calling for equal education and experience, inconsistent selection procedures and differential practices and standards for probation by the State's 58 counties. Like other public services, the crush of excessive numbers prevented probation from fulfilling its promise as one of the greatest social inventions of the 20th century.

Prior to the enactment of the Probation Subsidy Act of 1965, developments in probation consisted to a large part of perfecting procedures set up in State laws. To facilitate this the California Department of the Youth Authority was invested with the responsibility for setting standards for probation. The law made the standards set by the department voluntary and, hence, unenforceable.

In trying to carry out the legislative mandate to improve standards voluntarily, the Department created a small cadre of consultants to provide technical assistance, training, and practical help in the development of new probation programs. Although the service was helpful in maintaining the integrity and autonomy of local probation services while also improving standards for performance slightly, it was unable to achieve any significant impact upon the critical issue facing California probation—how to achieve its great promise as a truly correctional service, thereby reducing the necessity of unnecessarily committing cases to State correctional facilities for rehabilitation.

The 1964 Probation Study

At the request of several prominent correctional officials, California's 1963 legislature proposed that the State Board of Corrections carry out a fourth statewide study of probation during 1964 to update data and identify critical problems faced by this service. Prior studies had been conducted in 1948, 1957, and 1961. By building on the findings of previous studies it was completed in December of the same year.

One of the recommendations proposed to improve probation supervision through the sharing of State correctional monies with those counties willing to provide improved supervision services that reduced commitments to State correctional agencies. Other recommendations of the study complemented this recommendation, but did not attract the same support.

The 1964 study made a series of recommendations, but four were regarded as crucial if significant changes were to occur in the total State correctional system:

> **The first four recommendations are an integrated series of necessary actions designed to improve the standards of performance of county correctional services (please note reference to county correctional services). They are intended to promote a more effective and less costly total correctional program for California; offer a greater level of protection to the community; and, last, reduce the rate (not necessarily numbers) of commitments to State correctional facilities.**
>
> **Intervention by the State, to be truly effective, has to consider a support program designed to reduce probation workloads, encourage training, improve local facilities for the treatment of juveniles and adults, and last, promote community programs of delinquency and crime prevention.**[1]

The four necessary recommendations covered subsidies for: (1) probation supervision; (2) training and certification; (3) county regional correctional institutions; and (4) delinquency and crime prevention programs.

The first recommendation became law in 1965 and operational in 1966; the second is still a lively subject for discussion, but no action; and the third was ignored completely. The fourth recommendation became legitimized as an idea in 1965 and financially supported, to a limited extent, in 1969.

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[1] *The 1964 Board of Corrections Probation Study* (Sacramento, California: State Board of Corrections, September 1965), p. 12.

Legislative Action

The final step in implementing the plan to subsidize probation supervision was taken on March 22, 1965, when a bipartisan group in the senate and assembly introduced senate bill 822 which, when it became law, made a new declaration of social policy for the field of corrections in general, and probation in particular. The initial steps of implementation had occurred several months before when representatives from the judiciary, probation, law enforcement, universities and colleges, and the legislature had been involved in an advisory capacity to the 1964 probation study.

Senate bill 822 subsequently became sections 1820 through 1827 of California's "Welfare and Institutions Code." It clearly recognized probation as the most viable alternative to the massive program of State incarceration carried out during the late 1950's and early 1960's. The act was generally viewed as a profitable alternative because of the many human and economic benefits derived from maintaining an offender as a functioning individual in society. It supported probation by encouraging its use as an alternative to incarceration. The incentive for local probation departments was a substantial financial reward to those voluntarily participating in the program and reducing their commitments below a calculated rate. As formulated, the bill was designed to encourage a "more even administration of justice," particularly as it related to the granting of probation.

Founded on three basic assumptions, the subsidy made it clear that the State of California was committed to the belief that:

1. **Probation is as effective, if not more effective, than most institutional forms of correctional care;**
2. **Probation is the least costly correctional service available, and;**
3. **Probation grants can be increased without substantially increasing the number of crimes committed by probationers.**

After five years of experience, there is considerable reason to believe that these assumptions indeed were correct.

A recent article in a national magazine speaks rather eloquently to the success of the program in reducing commitments:

> **Recently, I visited a reformatory complete with Olympic-size swimming pool, standard football field, stainless-steel kitchens and airy dormitories equipped with gaily-tiled wash rooms, set on 35 acres of open country south of Stockton, Calif. It had everything—except inmates. Completed in 1966,**

it has remained unused—a dramatic monument to a better idea.[2]

Summing Up

It is obvious that those who completed the "1964 Board of Corrections Probation Study" and those who drafted subsidy legislation were very clearly writing to achieve a systems change. Money to county probation for special supervision was the reward or incentive for new and improved probation-granting behavior. Although not labeled as such, it was a form of behavioral modification applied to a social institution—probation. In this sense, it has been dramatically effective.

Quiet or not, California is experiencing changes of revolutionary proportions in corrections that can be directly related to the introduction of a probation subsidy based on performance. But, like all revolutions, there has been opposition and there have been casualties. There is the pain of change, and the anguish of finding new ways to do old organizational business. It is one thing to advocate change and effective programs in the abstract, but it is something quite different to implement county programs that do a better correctional job, thereby making state correctional workers redundant. Subsidy has obviously inflicted casualties, not on the offenders, not on the basic component of the correctional service—probation, but instead, upon the prejudices of a traditional service and the large bureaucracy of a State correctional system.

Prior to 1965, California's State correctional services were rapidly expanding services where promotion of the capable was relatively assured, where new institutional superintendents and their subordinates annually added to the State bureaucracy, and where more and more supervisory staff supervised more and more professional staff. In changing this pattern and in shifting treatment and control to local units of government, State organizations that were 15 years in the building were displaced, creating problems in relation to personnel, morale, and organizational equilibrium.

What were the issues and problems of 1960 which led the State of California to adopt a program that reversed its correctional growth and the natural tendency of an organization to expand itself? The answer to this question is *A Quiet Revolution*: the story of California's Special Probation Supervision Subsidy. It is the substance of the chapters which follow.

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[2] *Reader's Digest*, "The Way to Lick the Jail Habit," February 1971, p. 143.

PROBLEM

Prior to the introduction of California's Special Probation Supervision Subsidy in 1965, the State had virtually no control over its own correctional intake, hence workloads and expenditures. State correctional workloads were directly affected by the extent to which county probation was used as an alternative for those offenders who might otherwise be committed to a State correctional agency. The forecasts for State correctional populations in 1964 predicted that new admissions to both the Department of the Youth Authority and the Department of Corrections would double by 1975 if existing practices were not changed. These predicted 20,000 new admissions represented new individuals in the State system and not recidivists being returned for violations.

A new balance in the historical State-county correctional relationship had to be achieved if a financial crisis in corrections was to be averted since State money, like county funds, is not limitless. The *1964 Board of Corrections Probation Study*[3] had clearly demonstrated the possibility that probation grants could be increased while safely decreasing commitments to State correctional agencies by at least 25 percent. The study also made it clear that a significant change in the system required changing the practices of the county services that determine State correctional workloads.

Probation—The Key

Probation in principle had been accepted in California since 1903. It was county-based, county-operated, and county-financed. Prior to 1965, token support had been offered by the State in the form of consultation, training, and limited subsidies for juvenile camps and ranches. The State, however, had not declared a social

[3] *Op. Cit.*

policy that accepted or publicly acknowledged the reciprocal relationship between county decisions to treat or not treat locally and the consequence of that decision at the State level.

Studies carried out in 1948, 1967, and 1961, all concluded that the use of probation could be expanded safely and substantial numbers of persons, both adults and juveniles, diverted away from the State correctional system. The same studies also concluded that the State must be willing to offer some financial incentive to county probation if they were to grant probation and use custody less. Each study had proposed its method for enriching probation services as the means of improving the quality of protection offered the citizens and the quantity of the services delivered to the offenders under supervision. Each report was duly submitted to the proper authority and then filed on an appropriate shelf to be ignored. Everyone, it seemed, believed in probation but not enough to finance a level of service that might make a difference to the total criminal justice system.

Over the years, probation services were improving and workloads decreasing. At the rate of improvement recorded in 1964, it would have taken an additional 149 years for probation caseloads to reach nationally recommended standards. Fortunately for Californians, there were those who doubted that the State could wait 149 years to begin to resolve some of the financial problems associated with controlling and reducing crime through the rehabilitation of offenders.

Historically, one of the main problems facing probation was its inability to provide meaningful supervision. This failure was recognized by the courts, law enforcement, probation and, of course, the probationers themselves. Median caseloads for probation officers had exceeded 100 for years (almost three times the recommended national standard), with adult officers frequently carrying caseloads two and three times that number. To the extent that effective supervision was what probation was all about, it could be concluded that prior to 1965 probation was about little or nothing.

The chief problem facing probation over the years has been its inability to deliver good probation supervision services. Prompt in meeting deadlines set by the courts for investigations, supervision could be put off until there was time—time that never came. Supervision in the sense that it was offered was frequently that residue left over when all other requirements and obligations were met. Probationers after all, with a few exceptions, do not complain about being ignored by their probation officers, and the system is not designed to raise this issue with itself.

By and large, probation officers were denied the opportunity to provide the kind of supervision that might make a difference.

They were frequently deprived of the opportunity to provide even surveillance, the most rudimentary form of supervision. In 1964, the median caseload in California for adult probation officers averaged 208 cases per officer. In 1971, except for special supervision units, the average was only slightly better. Officers working with juveniles are in a better position with average caseloads of about 70 per officer—80 in 1964. The obvious result is that supervision tends to be a matter of the probationer reporting into the office—or sometimes, telephoning in his report. Most officers had very little opportunity to get out into the field to find out what was really happening to probationers. Work with families, group work, and casework in a real sense were limited to those officers who had workloads small enough to become involved—a very few officers. Since subsidy, officers with small caseloads have been increasing in numbers, but not nearly fast enough to meet the total needs of the service.

Excessive workloads were only a part of the problem, however. Supervisors of probation officers, like the officers themselves, were bogged down in paperwork. They too lacked the time to become informed about the cases under their subordinates' supervision and were, therefore, unable to help the deputies set priorities for action. Even with more time to become informed about the probationers most departments did not have a method for classifying offenders as to needs and available services. There was also considerable evidence that probation departments were not geared to treatment, but only the management of large numbers of individuals under the most superficial conditions.

The Problems of a Nonsystem

The nature of California's total correctional effort produced problems of its own. The 60 separate probation departments in California occupy a responsible place in local county government; they occupy a critical place in regard to the total correctional effort of the State. In spite of the problems of financing, recruiting, training, and operating a probation department, county government guards its historical right to home rule and control over its own local services. Each county is proud of its independence, differences, and close identification with the needs and problems of the community it serves.

Prior to 1965, county and State efforts to reach agreement about ways to improve the probation service and standards of performance had snagged over the issue of county independence. The fork of the dilemma faced by the State was the development of standards for county probation that built in some uniformity of

practice without emasculating the county's right and responsibility for local decision and action. The other fork of the dilemma pointed directly at county probation departments who recognized the need for improvements in quality and quantity of probation services but also recognized that this implied the acceptance of new standards associated with any financial assistance offered by the State.

Both the State and county officials shared an equal concern for maintaining the integrity and autonomy of local probation services. By the same token, however, the magnitude of the problems presented clearly indicated that any new financial assistance program for probation would have to be concerned with improved standards and performance. Any proposed solution to the problems of improving probation services would by necessity have to be acceptable to both the State and the county—a solution that had eluded past efforts.

Very clearly, the two major issues confronting a correctional system change in 1964 related to improving the quality of probation supervision and reducing the rate (not numbers) of commitments to State correctional institutions.

Over the years, many California counties had developed a pattern of dealing with its local correctional problems by transferring them to the State through commitment. Both the State and the counties encouraged the development of the pattern by their casual indifference to what the other was doing. The inevitable result was a vastly expanded State correctional system which, forced by increasing commitments, employed more manpower, constructed more State institutions, supervised more inmates, and had one of the highest gross expenditures for State corrections anywhere in the United States.

Excessive probation caseloads and rising tax rates at the county level encouraged the probation officer to dispose of problem cases by recommending commitment to the Youth Authority or Department of Corrections. The usual phrasing for the recommendation tended to be, ". . . where the defendant can receive the care, education and vocational training, treatment and controlled environment necessary for his rehabilitation." But the State correctional success rate rarely exceeded 55 percent. Nevertheless, approximately 27 percent of the defendants convicted by the superior courts each year had this recommendation made in their behalf, even though similar cases retained on probation would successfully complete their probation without a violation 60 percent of the time.

At the juvenile level, similar recommendations were being made by officers faced with excessive caseloads and limited

resources. They too resolved their problems by committing offenders to the Youth Authority. Both the Department of the Youth Authority and Department of Corrections accepted commitments without question even though both had developed evidence to indicate that may of these cases did not need expensive State correctional care. The pattern had been established by law and practice; the State assumed the responsibility for those cases the counties did not feel they could handle—or wanted to handle.

Cost Benefits

By 1964, a larger and larger share of the tax dollar was going to a State correctional system, which was successful with about 55 percent of the cases served. Both correctional administrators and State legislators were equally aware of the limited success and expense of the existing system of correction. Correctional dollars were increasingly being spent where they would do the least to rehabilitate offenders or control crime and delinquency.

Comparative costs in 1964 were most revealing. The dollar amount for treating one probationer by nationally recommended standards in California would have been $142. The probationer would have been supervised by an officer carrying no more than 50 cases. The dollar amount for a State parolee was $300 that year, and he would have been supervised by an officer carrying 70 cases.

Another revealing comparison was the difference between probation costs and institutional maintenance costs. The institutional cost for maintaining one offender for a year in a Department of the Youth Authority institution was $4,500. The same cost for the Department of Corrections was $2,050. By any standard, State institutions costs were much higher than good community-based programs of supervision. Of the two forms of community-based supervision programs, probation or parole, probation generally provides the opportunity for more service at less cost.

The Cost of State Institutionalization

In 1964, the State of California (including both the Departments of Youth Authority and Corrections) was planning to build one new correctional institution each year for the next 10 years. Construction costs for new institutions planned for the Youth Authority and Corrections in 1964 exceeded $90 million, a total that does not include inflationary costs that would have accumulated before the institutions were ever constructed.

The Need To Change Past Practice

Almost without exception, State correctional administrators recognized the urgency of changing the past practices of corrections in California. Policymakers at the State level recognized that they could not afford the luxury of a punitive system that was both expensive and not as effective as it might be. As the only viable alternative, they turned to improved community correctional care and improved probation supervision.

Paramount to achieving any significant change, however, was the need to find a way of altering traditional practices of officers to recommend probation for only about 50 percent of all the cases coming before the superior courts. When the recommendations of the officers were overruled by the court, it was generally on those cases where they had recommended a denial of probation. The courts consistently went along with the recommendations of the probation officers in about 97 percent of the cases. *The 1964 Probation Study* clearly demonstrated that the pattern of probation in California was not so much a function of the prejudices of the court as it was of the recommendations probation officers made to the court. *The critical decision point was to be found within the probation department, in its staff and administration.*

When the probation-granting behavior of California's 58 counties was carefully analyzed in terms of offense categories, age and other offender characteristics, it was difficult to explain commitment rates that ranged from a low in one county of 22 people per 100,000 population to a high of 122 people per 100,000 population in another county. Although some argued that the attitudes and preferences of the local community were being expressed in the justice being administered by the courts, no one argued that there was equal punishment for equal crimes in California. The problem then was one of equality of law, not justice under the law. In terms of justice it might make some sense for a cattle thief from a small agricultural community to go to prison, but very little sense in a metropolitan community that viewed the act as no more than a special form of theft. The issue to be dealt with, however, was, should the metropolitian community pay for the prejudice of the rural community or the rural community pay for the preferences of the metropolitan community. As justice and law operated in California, the cost for local preference and prejudice was being distributed throughout the State by commitments to State facilities. Any community that did not wish to program for its own correctional problems always had the option of sending the case to the State where all of the State's taxpayers shared in the cost of correction. Only a few counties had vol-

untarily elected to tax themselves to provide good local correctional services. Any subsidy formulation had to achieve some degree of balance or equity that accounted for and accommodated these traditional differences in dealing with local correctional problems.

Studies Suggesting Solutions

Four special substudies carried out in relation to *The 1964 Probation Study* demonstrated the possibility of safely increasing the number of probation grants in lieu of prison and Youth Authority commitment. It was these studies that led the State Board of Corrections to accept that at least 25 percent of the new admissions coming into the State correctional system in 1964 could have been safely retained in the community with good probation supervision. The studies also addressed themselves to the problem of State agencies programing for cases they need not receive.

Department of Corrections presentence diagnosis: Section 1203 was added to the *California Penal Code* in 1957 to provide for psychiatric diagnosis and/or treatment of offenders by the Department of Corrections. Following conviction for a felony, but prior to sentencing by the Superior Court of California, defendants may be referred to the Department of Corrections for a presentence study at no cost to the county.

Under the provisions of this code section, superior courts can commit defendants to a diagnostic facility for a period not to exceed 90 days. On completion of the study, the Department of Corrections is required to submit to the courts a written report of its findings, along with the recommendations for disposition of the case. The provision of this section to the code was added because of the inadequate psychiatric and psychological services available in many areas of the State.

During the probation study in 1964, the Department of Corrections was asked to conduct a special study of its presentence diagnosis. Two-hundred and fifty-eight defendants were referred for study. Of that total, 147 were recommended for probation. The courts followed these recommendations in 125 cases, or 85 percent. The courts went against the Department of Corrections' recommendation in only 21 cases—15 percent of the total.

The Department of Corrections recommended against granting probation in 111 cases. The courts followed the recommendation in 93 cases—83.8 percent. The remaining 18 cases, or 16 percent were granted probation in spite of an unfavorable recommendation. As the conclusion of this study in 1965, most of the cases

placed on probation were making satisfactory adjustments. Three cases had violated probation, but all three were in the group of 21 to whom probation had been granted in spite of a State recommendation to the contrary.

Of the total 258 persons studied, 55.4 percent were granted probation or were given county jail sentences. Another 24.6 percent were committed to institutions, with the majority going to the Department of Corrections. Other dispositions included six commitments to State hospitals, five commitments to the Department of the Youth Authority and two committed to the California Rehabilitation Center as drug addicts.

A subsequent study of the adjustment made by those defendants recommended for probation and placed on probation showed a failure rate of 7.1 percent. The failure rate for probationers generally is 30 percent.

This study supported the hypothesis that there are cases eligible for commitment to State prison that could be safely retained on probation; further, that with good probation supervision their adjustment is as good as (in this limited sample considerably better) cases routinely placed on probation.

Youth Authority court referral diagnosis: Pursuant to section 704 of the *California Welfare and Institutions Code,* the Youth Authority may contract with counties to provide diagnostic services. A small group of 84 cases referred for diagnosis in 1964 was studied. Of a total of 84 cases, 54 percent were recommended for probation in one form or another. Youth Authority commitment was recommended for 38 percent, and 8 percent of the total were recommended for commitment to the Department of Mental Hygiene.

Of the 78 cases on which dispositions had been made by September, 1964, 56, or 71.8 percent, had been placed on probation. Twenty or 25.6 percent were committed to the Youth Authority and two, or 2.6 percent, were committed to the Department of Mental Hygiene.

On the basis of these two very limited studies, it was clear that clinical study by either the Department of the Youth Authority or Corrections could influence the dispositions made by the court to grant probation or commit to a State program. It was equally clear that both departments were receiving cases that were eligible and acceptable for probation, cases that did not have to come into the system. The results of these two studies prompted two additional inquires that ultimately shaped the legislation for a probation subsidy.

Probation eligibles in State programs: In addition to the two clinical studies relating to the possible use of probation in lieu of institutionalization, two special studies were carried out to determine the extent to which counties were making unnecessary commitments to State correctional agencies.

In February 1964, the director of the probation study sent letters to the directors of the Department of the Youth Authority and the State Department of Corrections asking for studies by clinical staff to identify cases that could have been safely retained in the community or probation without a commitment to a State institution.

On the basis of the detailed studies carried out in response to the above request, it was determined that of all of the new 1963 admissions received by the Department of Corrections, over 20 percent could have been placed on probation. Over 1,000 of the new male felon admissions would have been good probation risks. In selecting this 20 percent, base expectancy scores were used. Only those cases with a chance of success without violation of over 75 percent were selected. Because of the stringent criteria used, 750 of the 1,000 new admissions would probably have succeeded on probation with little or no supervision; even more of the 1,000 would make it with help.

Since there were cases in this sample that had committed socially offensive offenses, hence were not likely to be granted probation under any circumstances, a further screening took place. All cases involving aggressive or socially offensive acts that resulted in commitment were excluded from the sample, for example, murder, arson, rape, aggressive assault, etc. Ten percent, or 500 men, still remained in a sample that was now, by and large, a better group for probation than those who were actually being granted probation. This conservative approach actually went to an extreme and excluded many cases that are normally placed on probation.

A similar study with the same purpose, but employing a different methodology, established that of 785 Youth Authority first admissions processed in April and May of 1964, 314 cases, or 40 percent, were wards who could have been safely handled in the community with good probation supervision.

From these studies and earlier community treatment studies, it was inferred that not less than 25 percent of the adult and juvenile first admissions to California State correctional facilities could be retained in the community with good probation supervision.

The information gained from the studies added to that published in a special study of California probation conducted by

Mr. George Davis titled, "A Study of Adult Probation Violations Rates by Means of the Court Approach," which emphasized California's underuse of probation for many offenders.

> **There is presently no statistical evidence to suggest that a reasonable increase in the rate of probation will produce a compensating increase in the rate of recidivation. There is probably an upper area where this phenomena occurs but it is problematic whether many counties are approaching the saturation point at this time in California.**[4]

Further evidence supporting the use of probation in lieu of institutionalization was contributed by the 3-year experiment carried out in Saginaw County, Mich. This study, like others, again demonstrated that the rate of prison commitment could be reduced without a corresponding increase in the rate of recidivation. Although criticized as to research methodology and overemphasis on probation outcomes, this study made it clear that there are alternatives to commitment to State institutions.

The Problem in Focus

The critical problems facing corrections in 1964 included: (1) An increasing State correctional workload and fewer tax dollars to support it; (2) an underuse of an important and effective service—probation; (3) a more even administration of justice in relation to probation grants; (4) probation supervision workloads exceeding any reasonable standard for service; and (5) a growing emphasis in the profession that correctional treatment, to be effective, had to be offered at the community level for more offenders than previously recognized.

Out of these problems and the information developed over a period of the preceding 16 years, a theory and plan of action emerged. Politically sensitive, financially based, and performance oriented, California's Special Probation Supervision Subsidy came into being in 1965 as a response to resolve some of the problems outlined.

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[4] *The Journal of Criminal Law, and Criminology and Police Science,* March 1964, p. 33.

METHODOLOGY

California's Special Probation Supervision Subsidy was based on a series of theoretical assumptions derived from research and the best knowledge available among practitioners. Some of those basic assumptions heavily influencing the character of the legislation included:

1. The most effective correctional services are provided in the local communities where the problems are, where they must be resolved, and where both the offender and the correctional agency are subject to local influences and control.
2. Probation has a greater total responsibility for the supervision of offenders than any other local correctional service.
3. Straight probation (without jail conditions) is the least costly correctional service available.
4. Probation is as effective, if not more effective, than most institutional forms of care.
5. Probation grants can be safely increased without increasing the rate of violation by probationers.
6. The actual rate of probation grants is determined by the decisions of probation officers and not the final dispositions made by the courts.
7. Organizational or institutional change can be achieved by rewarding probation departments for engaging in approved behavior, providing that behavior is clearly defined.
8. At least 25 percent of the new admissions to State correctional agencies can safely be retained in the local communities with good probation supervision;
9. The cost for improved probation supervision can be offset by savings made at the State level.

Community-Based Corrections

California, like other progressive States, believes that the best correction is that which takes place in the community from which the correctional client comes and where correctional problems must be resolved. Several years of experience with the Department of the Youth Authority's ongoing community treatment project, beginning in 1961, demonstrated once again the validity of this commitment to community treatment.[5] Financed by a National Institute of Mental Health grant, the community treatment project successfully offers intensive care and supervision to a very small number of youths placed on parole in the community in lieu of institutionalization. In many ways, this experimental and developmental effort is an extension of a long-standing commitment by the youth authority to the development of community-based correctional programs.

The Department of the Youth Authority had provided consulation, technical assistance, training, and limited subsidies to county probation departments for a number of years prior to the creation of the community treatment project or the enactment of the special supervision subsidy. These early assistance programs were limited but did encourage, through modest subsidies, counties to retain youths in local county institutional treatment programs rather than committing them to a State institution. Construction of local treatment facilities was also encouraged by providing for a portion of the cost of the construction of new county treatment facilities for juveniles.

Out of these programs came a relatively high degree of trust between counties and Youth Authority officials. The Youth Author-

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[5] *Community Treatment Research Report No. 2*, June 1, 1963; *CTP Research Report No. 3*, Aug. 1, 1963; *The Effectiveness of Individual and Group Therapies with California Youth Authority Wards*, by Dr. Stuart N. Adams, August 1961; *CTP Research Report No. 5*, by Dr. Marguerite Q. Warren, February 1964; *Research Report No. 32, An Analysis of Predictions of Parole Performance*, by Bertram M. Johnson, Dec. 31, 1962; *Research Report No. 27, Parole Performance of First Year's Releases, Parole Research Project Evaluation of Reduced Caseloads*, by Bertram M. Johnson, Jan. 31, 1962; *Research Report No. 26, Job Movement in Oakland, Parole Research Project*, September 1959 to August 1961, by Rosemary P. Peters, Oct. 1, 1961; *Research Report No. 19, Parole Agent Job Analysis, Parole Research Project*, by Betram M. Johnson, 1961; *Research Report No. 18, Diagnosis and Prognosis of Youth Authority Wards*, Rosemary P. Peters, Nov. 10, 1960; SIPU IV *High Base Expectancy Study*, Administrative Abstract Research Report No. 10; the SIPU III Research Report No. 3; and Research Report No. 18 (not published), *Parole Outcome Prediction for Male Opiate Users in the Los Angeles Area, Narcotic Treatment Control Program;* by the Division of Research, Department of Corrections. Also see: *Systematic Study of Experience, Research Report No. 2*, prepared by the Division of Research, Department of Corrections.

ity had taken great care to develop local programs, and the necessary standards, in cooperation with those agencies that it would influence through its standard-setting activities. Evidence demonstrated that these locally operated and jointly financed community-based residential treatment facilities tended to have greater success in reducing violational behavior by graduates than did State correctional programs. The results achieved by both probation and local treatment facilities supported the basic assumption that the best correctional care was provided in the community.

From the standpoint of a State correctional agency, however, building community correctional programs that shut off the supply of delinquents and adult offenders coming into the State correctional system is something like cutting one's own throat. The more effective the community-based program, the less is State correctional population; hence, the smaller the organization becomes and the fewer the institutions that must be built at the State level. Few large organizations engage in this self-destructive behavior; yet, the philosophy of California's two major correctional agencies, to promote local correctional programs, precluded any other course of action. They were completely committed by law and belief to the development of community-based, community-operated, and at least partly financed, local programs.

Emerging Principles

During the period 1955 to 1965, a number of experimental programs carried out in California and other States indicated that reduced caseloads, or even subsidies for reduced caseloads of themselves were not sufficent to change the nature of traditional practices.

Many professionals had limited their conception of improved probation or parole to the simple addition of professional staff who would engage in counseling, surveillance, and practical assistance with offenders. This conception of the probation or parole process ignored an important administrative fact; effective probation is provided by a unit of production in an operating department. This unit of production for probation in an administrative and very practical sense, involves not only the probation officer but all of the supporting services that are necessary and appropriate to the effective functioning of the probation officer. Probation staff must travel, hence, need financial support for this purpose. They must have adequate office space appropriate for

personal interviews; equipment for dictation; and personnel to transcribe that dictation. The production unit needs desks and chairs, lighting and all of the other factors that go into the logistics of putting a professional position into the field to provide service. Even more important than these routine forms of support are those related to medical and psychiatric consultation and treatment, emergency funds for temporary loans, housing, employment, and the myriad of other things that make probation work. In a number of programs, the failure to provide these supporting services had rendered skillful, well-trained, hard-working probation officers ineffective.

Another major finding of the studies carried on during this period focused clearly on the need for some form of system or method by which offenders can be classified and client needs matched to available resources. The process of classification, or the development of a typological system by which offenders could be matched to available treatment resources, was seen as a continuous process constantly subject to change in the light of new evidence and new information. In order to accomplish this, organizations had to provide adequate supervision and consultation for those providing direct services. Without this administrative and consultive support, classification systems tended to break down, becoming nothing more than activities once carried out and quickly forgotten.

Classification, or typological systems helped avoid the tendency to establish a pattern of providing equal service to all of those under supervision. Although egalitarian, this tendency to provide equal service to everyone, regardless of need, exhausted a limited treatment and control resource and failed to provide the necessary ingredient for a good correctional program and individualized service. Many of the better experimental programs using classification schemes organized their efforts around the principle that some of those under supervision did not, in fact, need supervision, or needed far less supervision than was originally assumed, while others needed much more.

Related to the above principle of classification was the need for an administrative commitment to a scheme for sorting offenders as to need. Systems of classification that worked tended to be those that were explicit, understood, accepted and supported by the administration of the departments in which they operated.

A final important finding growing out of the reduced caseload experiments related to the institutional character of probation or parole as a large organization. Various studies had demonstrated that there was a tendency for a probation department, like other

large-scale social organizations, to create work patterns that persisted over time, in spite of changed procedures or changed staffing patterns. Often, in reduced caseload studies, those practices which were appropriate for excessive workloads were transferred to the reduced caseloads. Activities, whether appropriate or not, were doubled and tripled since officers were familiar with the traditional practices that had become routine parts of their normal operations. Many of these practices and procedures were later discovered to be inappropriate in the reduced workload situation but they persisted, nevertheless.

In one reduced caseload experiment conducted in California in 1958 through 1961, officers carrying regular caseloads of approximately 75 cases spent 25 percent of their time behind the wheel of an automobile. In this same project, experimental officers carrying caseloads of 35, in a much smaller geographic area, managed to spend 25 to 30 percent of their time behind the wheel of an automobile. An analysis of this data revealed that those officers with smaller caseloads were no longer as efficient in planning their time as those carrying larger caseloads. The reduced workloads permitted the experimental officers to be more casual about calling back for missed interviews than were officers with larger caseloads. Officers were used to spending one quarter of their time driving—a habit that was not easily broken.

Research and experience tended to support the hypothesis that intensive supervision, when accompanied by a departmental commitment to a specific treatment philosophy and typological system, along with necessary supporting services, training and adequate staff time to carry out specific jobs, improved the outcome of community correctional services. Unfortunately, not all experimental projects of this period were willing to accept the conditions that experience had proven to be so necessary.

Specific Proposals

During the *1964 Board of Corrections Study*, a number of proposals were seriously considered before the Board of Corrections finally adopted a performance subsidy. In general, the subsidies considered can be grouped into five categories.

First, the complete subsidy for all probation services, a subsidy that implied that the State of California take over and assume the obligation for the administration and funding of all probation services. Both for financial and for political reasons, this particular course of action was not seriously considered since it was contrary to the home rule principles so loudly advocated by

counties. Others considered were a proposal for a salary and support subsidy, a contract for services subsidy, a postcommitment subsidy and finally a performance subsidy that was actually adopted.

During the course of the *1964 Probation Study* the most commonly recommended form for subsidy made by probation themselves was one of salary support. Generally, this second recommendation implied some sort of standards set by the state and a proposed formula for a percentage of the salary of new probation officer positions carrying reduced caseloads.

Most of the recommendations for salary subsidy were based on the belief that a State subvention would make it possible for local counties to participate in a program to reduce the size of the enormous caseloads carried by probation officers. This particular recommendation was not easily dismissed. Earlier reduced caseload studies suggested that perhaps the level of service would improve, the control of client behavior increase, and probation standards rise. On the other hand, increased personnel alone, without training, without a treatment strategy, without adequate supervision and support may contribute to an increased violation rate for probationers. This type of subsidy is essentially a proposal based on faith, faith that reduced caseloads in themselves will bring about positive changes. Interestingly enough, if adopted in California, this proposal might have had different results than those anticipated. Because of the extremely large caseloads, the simple act of reducing caseloads down to a recognized standard might have increased staff by 200 or 300 percent without increasing the grants of probation by even one percent.

A third recommendation related to the State contracting for special services with the county. Essentially, this proposal argued that county probation departments frequently provide services that legitimately could or should be subsidized or paid for by the State. Examples included: (1) Court reports that are required for cases ineligible for probation, cases subsequently committed to the California Department of Corrections; (2) the supervision of felons retained in the community on probation; (3) the supervision of delinquent cases retained in the community on probation in lieu of commitment to the Department of the Youth Authority; (4) counseling and placement services provided felons and high misdemeanants doing time in the county jail as a condition of probation; (5) counseling and placement services provided to felons serving time in county jails as condition of probation; (6) administrative costs associated with reporting statistics on adult and juvenile offenders to the Bureau of Criminal Statistics and the Department of the Youth Authority.

A fourth form of subsidy seriously considered in 1964 was a postcommitment subsidy. Proponents for this approach suggested that a few carefully selected cases currently sent to the Youth Authority and the Department of Corrections could be returned to the courts and placed on probation. The State would subsidize small specialized caseloads operated under optimal conditions by county probation departments for these State-selected probation cases. The subsidy would be two-fold with the State paying the actual cost of supervision in addition to providing the local county with a full clinical study on the cases returned for probation.

The fifth and final proposal for State subsidy developed by project staff was the performance subsidy. Of all of the subsidies considered it was the most controversial. It clearly proposed that the objective of any State probation subsidy should be the improvement of standards and levels of service and the reduction of the rate of commitments to the State institutions. Those advocating this subsidy argued that it should be sufficiently attractive to permit county probation departments to provide enriched services and programs to several probationers that were currently on probation in addition to the one case not committed to a State correctional agency, and, further, that since the commitment rates of counties varied so greatly throughout the State of California, the subsidy paid should be prorated in a way that was commensurate with the county's ability to reduce commitments. By this formulation, the better the county's performance the greater would be the subsidy.

The proposal clearly set forth the argument that adequately staffed, trained, and supported probation services can safely maintain offenders in the community under good probation supervision. The proposal backed up its hypothesis by proposing that enriched probation programs be subsidized entirely from savings made at the State level, savings that were sufficient to fund four, five, or six probationers for every one not sent to State correctional institutions.

Financially attractive for a variety of reasons, this subsidy also had several disadvantages. It provided money for only a limited number of the total probation cases under supervision and it excluded certain forms of services from subsidy, such as investigation or the supervision of dependent and neglected children. From the county's standpoint the most distasteful part of the subsidy formulation was its performance requirements, a requirement that demanded that probation departments deliver a service rather than a promise. Without the performance principle, however, California's Special Probation Supervision Subsidy could not have been implemented. As a formulation it offered a voluntary

program that provided an opportunity to demonstrate the effectiveness of good probation supervision without raising State correctional costs. In fact, it proposed to save the taxpayers of California several millions of dollars in succeeding decades. These factors, along with the theoretical considerations drawn from experience and research permitted California to develop its plan for action.

California's Plan of Action

In 1961, a legislative committee on criminal procedures approached the chairman of the Board of Corrections (who by law was the administrator of the California youth and adult corrections agency) to seek assistance in developing a program that would improve probation services. In order to enable the legislature to support such a program it was suggested that some formulation would have to be developed wherein an off-setting factor or cost returned to the State could be used to finance local probation services. A small staff was appointed to work on the problem, and the 1964 Board of Corrections probation study was the result. Staff had two specific goals: (1) To find some means of off-setting State costs and enrich county probation services; and (2) to gather factual data to help sell or advance the program before the California State Legislature.

It was evident, based on the findings of the 1964 study and previous efforts, that the use of probation could be increased. The courts, probation administrators and deputies themselves reported in 1964 that they would use probation more if they were equipped to provide the service that probation could represent. Law enforcement expressed their willingness to support the use of probation if it meant that probationers would receive good probation supervision.

California's subsidy provides for a unique method of allocating subsidy funds to county probation departments. Oversimplified, the subsidy provides State funds to the counties for not committing cases to State institutions. The more cases not committed, the greater the subsidy. If the county elects to continue with "business as usual," and commits offenders in the same numbers that they have traditionally done over the years, then there will be no subsidy. By definition, California adoped a performance subsidy. Without performance in reducing commitments, there are no funds to reimburse the county for their services.

Historically, California State government had carried a larger

share of the direct responsibility for the care, supervision, and control of law offenders than any of the other major States. This trend was neither admired nor supported by informed correctional administrators. Advocates of California's performance subsidy argued that the trend of increasing costs at the State level did not have to continue, in fact, could be reversed by diverting some of the State funds spent on food, clothing, and concrete to county probation departments for special supervision programs. Financial support for these programs would become possible because institutional costs are so much higher than excellent probation services.

The Principle in Action

California's subsidy proposal was to reduce supervision workloads. It was a cost-sharing program for probation supervision and involved a performance principle. Counties would be reimbursed in proportion to the number of cases they kept in the community and out of a State institution. Their earnings were arrived at by taking a county's commitment rate for a representative period (1959 through 1963), thereby providing a yardstick for measurement. Reductions were measured against the yardstick, and this determined the amount of subsidy funds the county earned. Counties had to earn their subsidies by retaining convicted persons in the community setting.

The county benefited with new revenues for special supervision, and the State benefited from having to provide fewer facilities. Individual offenders profited by being retained in the community where they could continue to be a contributing member of society. Everyone benefited: The citizen, from the increased rate of success in rehabiliting offenders, the community, from the saving of lives that would have been lost to criminal careers, and the vast savings in dollars that those crimes might have cost.

In designing the actual legislation enacted, the principle of equity was a primary consideration. A sliding scale was developed, and counties with high-commitment rates received less subsidy per percentage reduction than counties with low-commitment rates. For political reasons, a special provision was made for small counties (those with less than 30 commitments to prison per year). These counties were eligible for 90 percent of the salary of an additional probation officer position providing commitments to State correctional institutions did not increase and if the probation department complied with established standards.

The proposed subsidy legislation systematically tied together

three variables relating to incentive, equity, and past commitment performance. No county participating in the program (and reducing its rate of commitment) could receive less than $2,080 for an uncommitted case nor more than $4,000. Although the State goal was a 25 percent reduction, no county was limited to this level of achievement. The 25 percent goal was a target based on research that at least this percentage of new admissions to State correctional institutions could be safely retained in the community.

State Off-Set for Probation Subsidy

The cost of commitment to a State correctional institution is long term and accumulates over a period of years. For example, if the Youth Authority ward is completely successful in his correctional experience, he will spend a minimum of 8 to 10 months in a correctional institution and 18 to 24 months on parole. An adult committed to California's Department of Corrections will spend an average of 2 years in custody and another 2 to 3 years on parole.

In 1964, an adult committed to the State Department of Corrections, if completely successful the first time through the system in an average amount of time, would cost the State of California not less than $5,700. By 1971, a comparable figure including these same factors would be in excess of $10,000. This minimum career cost figure assumes that the inmate serves an average amount of time on parole, is discharged and never offends again, hence, requires no further institutionalization. Comparable cost for a youth authority commitment in 1964 was $4,000. In 1971, this figure would be closer to $6,600. Since the minimum career cost describes only 30 to 40 percent of the total population dealt with by either the department of the youth authority or the department of corrections, the actual minimum career cost is 30 to 40 percent greater than that written into the legislation, hence, represents additional savings to the State.

The basic $4,000 figure contained in California's probation subsidy leglislation is based on a concept of successful career costs.

It was a first attempt to calculate a minimum career cost. It is an abolute minimum dollar estimate of the investment the State of California has to make for either an adult or juvenile coming into the State correctional system and: (1) Staying the average amount of time, (2) going out on parole and successfully completing parole in the average amount of time, and (3) being discharged and never offending again. The minimum career cost included

maintenance and operational costs during the time of institutionalization, parole cost during the time in the community, and a prorated share for institutional cost for construction. The actual 1964 formulation is shown in table I.

TABLE I. Cost to State for a first admission "good risk" who stays slightly less than the average time in an institution and on parole

	California	
	Youth Authority	Department of Corrections
Institutional cost per year	$4,500	$2,050
Time in institution	8 months	2 years
Institutional cost	$3,000	$4,100
Parole costs per year	$300	$300
Time on parole	2 years	2 years
Parole costs	$600	$600
Total operations cost	$3,600	$4,700
Capital outlay cost per admission:		
Cost per bed	$18,000	$15,000
"Life" of bed	30 years	30 years
Percent of bed life used by inmate	2.2	6.7
Pro-rated capital outlay cost per admission	$400	$1,000
Total cost for each successful new admission for State.	$4,000	$5,700
Minimum cost of any new admission for State,	$4,000	

The cost included in this table did not include welfare allotments to families of men committed to prison, nor did it include the loss in State tax revenues from earnings not made by the incarcerated man. These and many other hidden costs borne by the taxpayer when a breadwinner is institutionalized for criminal behavior were recognized but not calculated nor included as costs by those completing the 1964 study. The figures quoted are, therefore, very conservative estimates of the total cost borne by the taxpayer.

A Bench Mark for Progress

The benchmark by which counties were to be measured in the subsidy program was the average past commitment performance (for both adults and youths) over a 5-year period beginning in 1959 and continuing through 1963, or the 2 years 1962–63, whichever was higher. The 5-year average commitment rate per 100,000 popula-

tion became known as the base experience rate. It was the permanent standard, or benchmark, against which all future reductions in commitments were measured. In this sense, it was not a theoretical standard since it reflected the county's own past practice over time and in relation to population increases.

Under this plan, the State of California pays a county "*X* amount of dollars" on the basis of the percentage each year's first commitments of adults and youths are reduced from its base experience rate. For example, if on the basis of a county's population and base experience rate the State could reasonably expect the county to commit 100 people to the facilities operated by the State, but in fact the county sent only 90, then a 10-percent reduction rate was achieved. These 10 uncommitted cases represented at least $40,000 of savings to the State at a maximum payment level incorporated in the legislation. The county, providing it operated an approved program for 1 year, would be reimbursed a portion of the money which it had saved the State on these 10 cases up to a maximum of $40,000. The actual amount of reimbursement varied from county to county since base experience rates vary. The formula for reimbursement takes into account the differences between counties and the amount of effort that is required for a county to make a reduction. This equity factor attempts to reward counties doing a good job in retaining probationers in the community, as well as penalize high-committing counties doing relatively little in the way of providing good probation services.

Special Supervision is Many Things

It was the intent of California's legislation that a variety of special new programs would emerge as a result of subvention. The program did not limit a county program to one of instensive one-to-one supervision. Instead, it encouraged counties to develop a wide range of special counseling and placement programs for adults serving time in the county jail as a condition of probation, contracts for psychiatric and medical services, special day training programs for juveniles, vocational and educational programs for adults, family counseling, assistance in family budgeting, employment counseling and job placement, and a myriad of other services needed for good probation supervision services. All of the above examples are woven into the fabric of special supervision programs in California.

The intent of the legislation was to seek innovation and creativity in developing new ways of doing better correctional work in the community. The new State-county relationship offered

probation the financial resources to provide the kind of supervision that makes probation in the community an effective and economical correctional service. In a very true sense, it was a new approach to handling California's crime problem. It was a commitment to the future, with a program relating theory and practice in a complementary and practical way. It was a plan of action which promised results. Probation would be given the opportunity to achieve its promise of being one of the most effective and economical correctional services. At the same time the numbers of persons committed to State correctional agencies would be reduced.

Selling an Idea

Because of the complexity of the legislation, some means had to be found to present this new subsidy concept clearly and intelligently to the Governor, State legislators, the State Supervisors Association, private citizens groups, correctional organizations and associations, boards of supervisors, panels of judges, and probation officers themselves. Initially, the public information and educational program conducted by the Youth Authority, designed to sell the subsidy program, utilized conventional charts and graphs. These were found to be impractical for large groups, and a better means had to be devised. At the encouragement of the Youth Authority's graphic artist, slides or transparencies for an overhead portable projector were developed. With the assistance of Youth Authority staff, slides were constructed dealing with the various aspects of the subsidy. All verbal and graphic presentations were designed to make a simple and clear presentation of the proposal to groups representing various levels of sophistication and knowledge about the correctional process and the needs of a good probation service. Aside from promoting support, this educational campaign was also designed to neutralize potential opposition before it arose. As a result, organizations that might otherwise have opposed the subsidy plan were the first to be contacted and informed about the proposal being advanced by the State Board of Corrections. No organized opposition ever arose during this educational campaign.

Unlike the previous studies, the staff of the State Board of Corrections carrying out the study were also the staff persons responsible for advancing and promoting the legislation developed during the *1964 Board of Corrections Probation Study*. Hundreds of presentations were made, using visual aids and information intended to gain community support for a complicated, but

interesting, idea for financing local probation services. Estimates suggest that between 3 to 6 months were used by Youth Authority staff to advance the Board of Corrections' probation subsidy legislation before appropriate governmental officials, including the Governor, prior to actually submitting it to the legislature.

It was not by chance that the authors of the legislation were members of the senate finance committee, nor that the coauthors included important figures from the assembly. The careful selection of legislators to introduce the program proved highly successful as evidenced by the rapid movement of the bill through both the senate and assembly. The longest single presentation made was before the initial committee on government efficiency. Before this committee, the chairman of the Board of Corrections made a 4½-minute presentation. The second longest presentation occurred before the senate finance committee; it lasted 2 minutes. The legislation passed both houses without a dissenting vote and was jointly sponsored by both Democrats and Republicans.

The Advantage of Performance

Because the legislation called for reimbursement after 1 year of performance, no appropriation was needed for the first year of operation. The legislation called for the State to reimburse the county only after it had operated an approved program and successfully reduced commitments to State correctional institutions. Those responsible for implementing the legislation had been granted 1 year in which to carry out an exhaustive educational campaign with county probation departments and boards of supervisors before the program became operational. While the legislation was enacted in 1965, it did not become effective until July 1, 1966. In turn, funds to reimburse counties for performance were not needed until July 1, 1967, since the counties would first advance their own money, operate an approved program for 1 year, and then be reimbursed for their actual expenditures for special supervision programs. Thus, an appropriation for reimbursement was not required until 2 years after the passage of the legislation.

The Power of People

California's Special Probation Supervision Subsidy was "sold" to judges, probation staff, legislative bodies, county boards of supervisory, peace officers associations, on the basis of

financial savings, inadequate levels of probation supervision and emphasis upon the utility and flexibility of developing experimental programs that ultimately could be funded from State dollars. The contacts made were extensive. The California Congress of Parents and Teachers Associations, Federations of Women's Clubs, California Taxpayers' Association, District Attorneys' Associations, the Judicial Council, Bar Associations, Peace Officers' and Juvenile Officers' Associations, the National Council on Crime and Delinquency, the California Council on Crime and Delinquency and many fraternal and social service organizations, including private agencies and service clubs were contacted in an effort to gain their support both for the legislation and ultimately the implementation of the program in their own home community.

The then chairman of the Board of Corrections, because of his interest in subsidy, plus his dissatisfaction with various levels of correctional services, encouraged the Governor himself to become informed about the program. As a result, the program went to the State legislature with gubernatorial endorsement.

Summary

California's plan of action was unusual from several standpoints. It advanced the subsidy concept based on performance, a concept which clearly suggested that taxpayers have every right to expect probation services which reduce commitments to State institutions. It also made a commitment to a new social policy and stressed a cost sharing between the State and the counties out of an improved method of doing cooperative business.

Those attempting to implement the program were in the favorable position of arguing cost effectiveness and the fiscal soundness of the program they represented, as well as humanitarian values. Powerful legislative support was achieved before actually submitting the proposed legislation to either the senate or the assembly. In turn, important and influential community groups were informed regarding the program so that they could express their support and their enthusiasm for the proposal with their legislators. They were also the same people who eventually had to make decisions regarding the support of the program and its implementation in their own local community. Potential opposition was identified and deliberately and systematically neutralized. Timing was carefully considered and 2 years allowed between the enactment of the legislation and the need for the first appropriation of funds. When the State finally had to make a

reimbursement, it paid for services already rendered, hence, was paying from savings generated by reduced State correctional costs. A theory, based on research and experience, was woven into a program that was designed to implement institutional and organizational change by rewarding an organization for engaging in a desired form of behavior, that is, reduced commitments.

In a very real sense, California's Special Probation Supervision Subsidy was a carefully planned and implemented program. It identified a specific need, stated a series of objectives, proposed methods for achieving those objectives, and then organizationally moved to implement a program that achieved those objectives. The impact of the strategy is undeniable.

LAW

To fully understand California's State aid for probation services,[6] one has to carefully examine the legislation itself. The following sections present the actual legislation, followed by comments.

Section 1820. Legislative Intent.

> **It is the intent of the Legislature in enacting this article to increase the protection afforded the citizens of this State, to permit a more even administration of justice, to rehabilitate offenders, and to reduce the necessity for commitment of persons to State correctional institutions by strengthening and improving the supervision of persons placed on probation by the juvenile and superior courts of this State.**

The legislative intent makes it clear that reducing commitments to State institutions was to be accomplished only if increased protection was afforded the citizens and that the special supervision programs were provided in order to permit a more even administration of justice. (As previously noted, California' 58 counties traditionally varied in their commitment rates, from a low of 22 per 100,000 to a high of 122 per 100,000, even though demographic characteristics for the county were frequently similar). The legislative intent proposed that these objectives could be achieved by strengthening and improving the quality of probation supervision. The implication is that reduced commitments grow out of improved services.

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[6] *California Law Relating to Youthful Offenders,* "Article 7. State Aid for Probation Services," Sections 1820–1826. (Sacramento, Calif.: Department of the Youth Authority, Dec. 1, 1970).

Because the program is administered by the Department of the California Youth Authority, many individuals, including residents of California, assume that the program is limited to juveniles. It is not. As the intent clearly shows, the program is intended to improve services offered to both adults and juveniles. In actual operation, the program favored adults by reducing more adult commitments from 1966 through 1969. Reductions subsequently leveled off at about a 50–50 reduction between adult and juvenile commitments in 1970 and 1971. In many ways, the impact of the program has been more dramatic for adult probation efforts than it has been for juveniles.

Section 1821. State Sharing of Cost.

From any State moneys made available to it for such purpose, the State of California, through the Department of the Youth Authority, shall, in accordance with this article, share in the cost of supervising probationers who could otherwise be committed to the custody of the director of the Youth Authority or, pursuant to criminal commitment, to the custody of the director of corrections and who are in special supervision programs.

The legislation indicates that the State was only interested in subsidizing those adults and juveniles who might otherwise be committed to State correctional agencies, and that subsidy funds would only be available if these cases were in special supervision programs as defined by the act.

Aside from attempting to establish the obvious relationship of offsetting cost between the services rendered and the services no longer necessary at the State level, the legislation also was designed to restrict the total population the county probation departments could deal with during the first 3 years of the subsidy program. Between 1966 and 1969, several attempts were made by chief probation officers to modify this section of the code in order to enable special supervision services to be offered to misdemeanants and children and youth with delinquent tendencies. Since the incomes being generated by the program permitted special supervision programs to include no more than about 10 percent of the total eligible pool then available, the Department of the California Youth Authority resisted the pressure to increase the total manpower pool from which the program could draw until

after the legislative review in 1969. In 1969, the legislation was modified to read:

Section 1821. State Sharing of Cost.

> **From any State moneys made available to it for such purpose, the State of California, through the Department of the Youth Authority shall, in accordance with this article, share in the cost of supervising probationers in "special supervision programs" established by county probation departments to reduce commitments to the Department of the Youth Authority or the Department of Corrections.**

This code section implies a cooperative relationship between the State and county probation services and that the county itself is making some contribution to the program. This relationship was obscured by the fact that subsidy payments are greatly in excess of the actual cost of providing special supervision for those individual cases not commited to State correctional institutions. Special supervision could be provided in 1964 for approximately $142 per year per case. The payment the county received for a case not committed varied between 14 and 28 times this actual cost. Counties were expected to match the moneys they earned from the State to expand special probation supervision services to a larger percentage of their caseload than could be funded from the earnings generated in any year. This did not occur and some counties enriched probation supervision only to the extent that they generated State revenues from special supervision programs.

Initially, counties had to provide seed money for the first year of the program. All participating counties recovered that seed money and have in fact made earnings far in excess of the actual expenditures for their first year programs. Take, for example, one large metropolitan county that reluctantly entered the program in 1966 by increasing its probation budget by $25,000. That $25,000, along with considerable administrative manipulation, qualified for $250,000 worth of programs for special supervision. Put differently, $25,000 made the county eligible for a State reimbursement ten times the value of their initial investment.

As it turned out, and with virtually no effort whatsoever on the part of the county probation department, the county actually earned $100,000. Although they had failed to gain the maximum return which would have been ten times greater, they did gain $75,000 from their initial $25,000 investment. The balance of the program that had been qualified for special supervision was

already funded as a county expenditures, hence, no loss whatsoever was suffered by the county.

Section 1822. Establishment of Minimum Standards.

The Department of the Youth Authority shall adopt and prescribe, subject to approval by the State Board of Corrections, minimum standards for the operation of "special supervision programs." A "special supervision program" is one embodying a degree of supervision substantially above the usual or the use of new techniques in addition to, or instead of, routine supervision techniques, and which meets the standards prescribed pursuant to this section. Such standards shall be sufficiently flexible to foster the development of new and improved supervision practices.

The Department of the California Youth Authority, historically, has had the responsibility and the legislative mandate to set standards for both adult and juvenile probation services throughout the State. Prior to the 1966 Act, standards were voluntary, hence had little impact on the total quality or service provided to probationers.

The standards for special supervision programs developed by the Youth Authority were based on the findings of the *1964 Board of Corrections Study* and previous studies. These studies had identified a series of problems that could be affected by State standards. The problems included: (1) Excessive caseloads; (2) inadequate supervision of staff; (3) inadequate secretarial services; (4) lack of classification system; (5) limited resources to support intense or special supervision program efforts.

The fifth standard calling for support was not a standard but was an authorization to county probation departments to include in their special supervision budgets anything that was necessary to make their experimental programs successful. Within this item, creative probation departments were able to include psychiatric and medical services, dental services, emergency loan funds, consultation services, employment of aides and a variety of other features that could be associated with good probation supervision.

The standards developed by the Youth Authority call for caseloads that do not exceed 50. They also demand that the probation department commit itself to some classification or typological system by which offender needs and local resources are matched.

No preference is given to any one typological or classification system. The probation department itself must decide which of those currently in vogue are most applicable, that is, FIRO-B, integration theory, base expectancy, etc. Essentially, the Department of the Youth Authority was concerned with encouraging optimal and systematic use of manpower. Small caseloads, buttressed by a typological system, provided probation departments with this opportunity.

Section 1822, in addition to calling for the establishment of minimum standards, provides legislative definition of special supervision, as defined by this act, "embodying a degree of supervision substantially above the usual, or the use of new techniques in addition to, or instead of, the routine supervision techniques." This program recognized the possibility that probation departments might be operating programs that warranted expansion or further development providing the service was over and above what the department was doing routinely. The measure for increased level of service subsequently became the fiscal amount budgeted in 1966.

Another important feature of the standards was supervisory span of control. A number of studies had indicated that effective deputy probation officers were helped and supported by knowledgeable supervisors. These studies had suggested that a supervising probation officer had great difficulty in being able to personally recall data about individuals when his total caseload responsiblity exceeded 200 cases. Three hundred cases represented an absolute maximum for supervisory recall without undue reliance on case records or folders.

As conceived by the designers of California's probation subsidy, the supervising deputy was to be an integral part of the treatment programming for the probation client. They were to be able to respond to case situations about which the deputy was concerned without constantly reviewing a written case record. In early drafts of the standards which eventually came to be adopted by California, a supervisory unit standard, as opposed to the traditional caseload standard of 50 or 35 to 1, was recommended. Early drafts of the standards called for the supervising deputy probation officer to be assigned no more than 300 cases. He, in turn, could distribute those 300 cases to six, seven, or 10 officers, on the basis of the officer's skills and the client's needs. The concept was to make the supervisor responsible for allocating his available manpower on the basis of client need. A supervisor might have within his unit one deputy carrying 150 cases, while another deputy carried only five or six. Radical for its time, these earlier proposals were rejected and the general standard of 300

per supervisor and average caseloads of 50 for deputies was adopted.

Section 1823. Development of Standards.

The director of the Youth Authority shall seek advice from appropriate county officials in developing standards and procedures for the operation of "special supervision programs."

This provision acknowledged a past practice of the Department of the Youth Authority to contact and work with those whom standards were going to affect, in the development of those standards.

Section 1824. Application for Funds.

A county shall make application for subventions toward the cost of special supervision programs to the Department of the Youth Authority in the manner and form prescribed by the department. Any such application must include a plan or plans for providing special supervision and a method for certifying that moneys received are spent only for these special supervision programs.

County probation departments participating in the subsidy program are required to submit a plan for the special probation supervision program they intend to operate during the forthcoming year. In this way, the State monitoring agency reviews the proposal for compliance with standards prior to operation and, in addition, audits the program after it becomes operational. This section also restricts the use of earned moneys to special probation supervision programs. Unlike other subsidies, revenues in excess of actual expenditures do not become a new source of funds to the county general fund. Those probation departments earning the moneys are the only ones authorized to spend the moneys and, in turn, to spend the moneys for special supervision.

Over the 5 years of operation, there have been criticisms of this provision to limit expenditures to special supervision. In 1970, for instance, legislation was introduced proposing that the subsidy mechanism should be used to underwrite the entire cost of the total criminal justice system, including county jails, police services, and special educational programs for delinquent children.

The authors failed to understand the limited capacity of the program to generate State funds and the volume that would be required for the support of a total criminal justice system.

The probation subsidy mechanism of performance, as constructed, is inadequate to underwrite the entire cost of the whole of probation service in California. To accomplish this, funds would have to be generated at a magnitude of about $200 million a year. As designed, the subsidy legislation can, in another 2 to 3 years, generate about $25 million a year for the enrichment of special probation supervision.

Section 1825. Approval of Application.

(a) No county shall be entitled to receive any State funds provided by this article until its application is approved and unless and until the minimum standards prescribed by the Department of the Youth Authority are complied with and then only on such terms as are set forth hereafter in this section.

Section 1825(a) insures that the State of California will review in advance programs that are to be operated in conformance with this program and limits payment to approved programs that meet standards.

Section 1825. Calculation of Case Commitment.

(b) A commitment rate for each county and for the State as a whole shall be calculated by the Department of the Youth Authority by computing the ratio of new commitments to State and county population, expressed in a rate per hundred thousand population, for each of the calendar years 1959 through 1963. The average of these rates for a county for the 5-year period or the average of the last 2 years of the period, whichever is higher, shall be the base rate for that county. The number of commitments shall be the total of the new commitments to the custody of the director of the Youth Authority and the new criminal commitments to the custody of the director of corrections, as certified by the respective departments. The county and State population shall be that certified by the Department of Finance to the controller as of July 1 of each year. Persons committed to the Department of Corrections and subsequently discharged under section 1168 of the Penal Code and persons committed to the Department of Corrections or the Department of the Youth Authority for

diagnostic study only pursuant to section 1203.03 of the Penal Code or section 704 or 1752.1 of the Welfare and Institutions Code, shall not be counted as having been committed for purposes of determining commitment rates under this subdivision or subdivision (c).

Section 1825(b) is the method by which the base rate for each participating county is established or the base rate against which all performance by participating counties is measured. Section (b) also deals with three types of exclusions: (1) Those referred to the Youth Authority for diagnosis; (2) those referred to the Department of Corrections for diagnosis and (3) those cases committed to the Department of Corrections but subject to administrative review and recommendation, returned to the courts and placed on probation. The phrasing "criminal commitment" in this section intentionally excluded civil narcotics cases committed to the California Department of Corrections for treatment.

Section 1825. Annual Commitment Rate.

(c) An annual commitment rate shall be calculated at the end of each fiscal year for each participating county and for the State as a whole in a like manner to that described in subdivision (b) using the population figure of the July 1 included in the year.

Section 1825(c) defines the population base upon which calculations will be adjusted. Because of the lag in certification of population figures from the Department of Finance, it is necessary to use the population base of the year in which the program actually operates. As an example, a program operates during fiscal 1966–67. A certification of earnings is made in 1967 but the certification is based on the population for the fiscal year 1966–67 as opposed to the year in which the certification is made which is 1967–68.

Section 1825. Reimbursement for Commitment Rate Reduction.

(d) The maximum amount that may be paid to a county pursuant to this article is determined by obtaining the interpolated dollar amount in the table in this subdivision for such county's base commitment rate and its percentage decrease, interpolated to the nearest one-tenth of 1 percent, in rate of

commitment and multiplying the appropriate dollar amount by the "commitment reduction number." The "commitment reduction number" is obtained by subtracting (1) the most recent annual commitment number from (2) the product of the base commitment rate and population of the county for the same year employed in (1). The director of the Youth Authority, with approval of the director of finance, may annually adjust the dollar amounts in the ensuing table to refelect changes in cost to the State of maintaining persons committed to the custody of the director of corrections and the director of the Youth Authority, and if such adjustments are made, the adjusted amounts shall be employed in making the computation prescribed by this subdivision.

Per Capita Subsidy in Relation to Percentage Decrease Base Commitment Rates 100,000

[Adult and Juvenile]

Percent of decrease from base rate	Less than 40	40–49	50–59	60–69	70–79	80–89	90 plus
	100,000	100,000	100,000	100,000	100,000	100,000	100,000
0	.....	.....	.....	.....	.....	.....	.....
1	$2,400	$2,285	$2,180	$2,185	$2,105	$2,085	$2,080
2	2,800	2,570	2,360	2,265	2,210	2,175	2,160
3	3,200	2,855	2,545	2,400	2,315	2,260	2,240
4	3,600	3,145	2,725	2,535	2,420	2,350	2,320
5	4,000	3,430	2,910	2,665	2,525	2,435	2,400
6	4,000	3,715	3,090	2,800	2,630	2,520	2,480
7	4,000	4,000	3,275	2,985	2,735	2,610	2,560
8	4,000	4,000	3,455	3,065	2,840	2,695	2,640
9	4,000	4,000	3,635	3,200	2,945	2,785	2,720
10	4,000	4,000	3,820	3,335	3,055	2,870	2,800
11	4,000	4,000	4,000	3,465	3,160	2,955	2,880
12	4,000	4,000	4,000	3,600	3,265	3,045	2,960
13	4,000	4,000	4,000	3,735	3,370	3,130	3,040
14	4,000	4,000	4,000	3,865	3,475	3,215	3,120
15	4,000	4,000	4,000	4,000	3,580	3,305	3,200
16	4,000	4,000	4,000	4,000	3,685	3,390	3,280
17	4,000	4,000	4,000	4,000	3,790	3,480	3,360
18	4,000	4,000	4,000	4,000	3,895	3,565	3,440
19	4,000	4,000	4,000	4,000	4,000	3,650	3,520
20	4,000	4,000	4,000	4,000	4,000	3,740	3,600
21	4,000	4,000	4,000	4,000	4,000	3,825	3,680
22	4,000	4,000	4,000	4,000	4,000	3,915	3,760
23	4,000	4,000	4,000	4,000	4,000	4,000	3,840
24	4,000	4,000	4,000	4,000	4,000	4,000	3,920
25	4,000	4,000	4,000	4,000	4,000	4,000	4,000
Over 25 percent	4,000	4,000	4,000	4,000	4,000	4,000	4,000

Technical revisions were made in (d) in 1969 to accommodate calculation problems incurred during the first 3 years of operation. The payment table as it appeared in the initial legislation began with a 1-percent reduction and moved progressively forward to a 25-percent maximum. Percentage reductions in relation to past base experience rates were shown at so much per case. Although the table could have been interpolated to two decimal points for each interval between 1 and 25, this seemed unnecessary. It was assumed that normal accounting practices could be followed and that intervals between percentage reductions could be interpolated either above or below a given percentage reduction. For example, the reduction of 3.25 could be used as a basis to establish exact payments to a county making a 3.25 reduction as opposed to a 3-percent reduction. The attorney general ruled against this in a case in 1966–67, where a county achieved a 0.99-percent reduction. According to legal interpretations, the lack of a zero on the payment table indicated that payments were to begin at 1 percent; therefore, this county, because it had not achieved a 1-percent reduction, was not entitled to payments. Further, they held that interpolating percentage reduction between percentage points on the scale was also illegal even though it was a normal accounting practice. As a result of this problem, the section was rewritten, adding a zero to payment table and authorizing interpolation.

Section 1825. Method of Reimbursement.

(e) The State will reimburse the county upon presentation of a valid claim based on actual performance in reducing the commitment rate from its base rate. Whenever a claim made by a county, pursuant to this article, covering a prior fiscal year, is found to be in error, adjustment may be made on a current claim without the necessity of applying the adjustment to the allocation for the prior year.

Section (e) legislatively established the method by which errors or incorrect claims can be adjusted from current earnings by counties without requiring a separate appropriation for reimbursement. For example, if an error occurs in 1970 and a reimbursement from the county to the State is called for, the reimbursement can be made from earnings during the 1971–72 fiscal year.

Section 1825. Quarterly Installments of Incumbered Funds.

(f) If the amount received by a county in reimbursement of its expenditures in a fiscal year is less than the maximum amount computed under subdivision (d), the difference may be used in the next succeeding fiscal year and may be paid to the county in quarterly installments during such fiscal year upon preparation of valid claims for reimbursement of its quarterly expenses.

Subsection (f) was the first emergency change made in the subsidy legislation. It was made prior to the end of the first fiscal year of actual operation. Since the intent of the program was to enable probation departments to enrich their services as much as possible, it was planned that any unused funds would be available to the county earning them for programs in the next succeeding year. For example, if a county invested $100,000 in a program and operates it for a year but earns $300,000 through reduced commitments, then under the provisions of this section the State will (1) reimburse the county its actual cost of $100,000 and (2) reserve an amount up to $200,000 for the operation of that program in the succeeding year. If the county elects to continue the program at the same program level of $100,000, then, regardless of the number of commitments it makes, the county is guaranteed $100,000. The remaining $100,000, if unused, would revert to the general fund of the State of California.

Under the provisions of this section, a county may also ask for reimbursement on a quarterly basis during their second operating year which also enables the county to limit its own appropriations for the program. If the county, in the illustration given above, had elected to continue operation at the $100,000 program level, then, on a quarterly basis, they could have asked the State of California for quarterly reimbursements in the amount of $25,000. Since the county must first appropriate the money, operate the program and then claim a reimbursement, the county could successfully operate the $100,000 program by appropriating only $50,000. This could be accomplished since they would need funds from the county to operate the program through the first quarter. They would then claim a reimbursement for $25,000 during the second quarter in which they were operating under county funds, but could then use the first quarter's $25,000 reimbursement to pay the cost for the third quarter, and the second quarter reimbursement to pay for the fourth quarter operation.

At the present time, efforts are being made to amend this section of the law to permit counties to carry over their excess

earnings for a 2-year period. This change in the legislation would enable counties to more effectively budget for their programs over continued years, thereby leveling out high- and low-earnings periods and permitting counties to maintain a constant level of program effort.

Section 1825. Reimbursement Under Unusual Conditions.

(g) In the event a participating county earns less than the sum paid in the previous year because of extremely unusual circumstances claimed by the county and verified by the director of the Youth Authority with the approval of the director of finance, the director of the Youth Authority may pay to the county a sum equal to the prior year's payment, provided, however, that in subsequent years the county will be paid only the amount earned.

This section as it appears was amended in 1969. Essentially, this is an escape clause which permits a county suffering unusual circumstances to continue its level of program at the previous level, even though commitments have gone up. It is designed to be used on a one-time only basis. Once having called for payment under this clause, no further reimbursements can be made without earnings.

Section 1825. Proper Use of Funds.

(h) Funds obtained under this article shall not be used to support existing programs or develop or expand new programs in juvenile homes, ranches or camps established under Article 15 (commencing with section 880) of chapter 2 of Part 1 of Division 2 of this code.

Because the State of California (Youth Authority) provides subsidy to camps and ranches operated by probation departments, and because State law prehibits subsidies being paid twice for the same service, subsection (h) was added. This section avoids a double subsidy for cases retained in the community, whether they are under special supervision or in a subsidized camp or ranch.

Section 1825. Alternative Use of Funds.

(i) Counties where the average number of commitments in the base period as established by subdivision (b) is less than 30 may elect either to comply with the procedure set out above or, as an alternative, to receive from the State 90 percent of the salary of one full-time additional probation officer or, in the event there are fewer than 20 persons placed on probation annually otherwise eligible for commitment to State institutions, the county would be entitled to 90 percent of the salary of a half time officer. In the event a county chooses the alternative proposal, it will be eligible for reimbursement only so long as the officer devotes all of his time in the performance of probation services to supervision of persons eligible for State commitment and persons participating in special supervision programs and (1) if its base rate is below the State average, it does not on an annual basis exceed the base State rate, or (2) if its base rate is above the State average, it does not in the year exceed by 5 percent its own base rate.

This section was designed to offer some incentive for very small counties who make very few commitments and have very little chance of generating earnings under a performance subsidy. Unintentionally restrictive, and complicated, this section has applied to only three counties during the entire history of the subsidy. Essentially, this section says that small counties committing fewer than 30 cases to State correctional institutions each year can obtain a partial reimbursement for a probation officer devoting full time to special supervision if the county does not substantially increase its rate of commitment to State institutions. If the section were to be rewritten, its initial authors now agree that they would simply ask for a flat subsidy grant of 90 percent of one position to counties falling into this category.

Section 1826. Report to Legislature.

The Department of the Youth Authority shall make periodic reports to the legislature on the experiences and the results under the provisions of this article.

The original legislation called for a report to the legislature in 1969 on the results of California's probation subsidy. As a result of amending the legislation at that time, this section was added

in order to insure that the legislature would periodically be, on an on-going basis, apprised of the results of the program.

Modifications Currently Being Considered

Three major revisions in the existing legislation are under consideration. One relates to correcting an inequity for four low-committing counties. The second change relates to extending the carryover feature of the legislation from 1 to 2 years, and the third requires a mandatory adjustment of the payment table.

Even though considerable effort was made to avoid doing so, four counties were penalized because of their very low commitment rates during the period used to establish a base rate. In part, these counties suffered from having previously provided a higher level of probation service than other counties in California.

In order to understand the problem one need only consider the example of one of these counties which had a base rate established of 22 per 100,000. The county has a resident population of 200,000 people; hence, each year the State program would expect a maximum of 44 cases to be committed to State institutions if this county continued performing in the 1970's as it had in the early 1960's. In this circumstance, the total number of cases generated by a base rate this small makes it virtually impossible for the county to improve on its past performance and reduce commitments to State correctional institutions further. The proposed legislation attempts to correct this deficiency by eliminating extreme cases from the upper and lower end of the payment table. If the legislation passes, the county in the example above will arbitrarily be assumed to have a base rate of 40 commitments per 100,000, or, put differently, instead of expecting 44 cases to be committed from that county, the State of California will arbitrarily assume that that county could normally commit 80 cases. It is obvious, therefore, that the deliberate loading of the table on the low-commitment end will substantially reward those counties that previously had very low commitment rates. At the upper end of the payment table, however, the county that had traditionally committed 120 cases per 100,000 will be assumed to have a base rate of 100 per 100,000. In most cases, the counties at this end of the continuum have not fully utilized their earnings and will, in fact, experience no real reduction in the level of their program efforts. It is believed that by modifying the legislation in this way that counties who in the past have committed many cases to State institutions, and thereby artificially inflated their base rate, will not gain to the same extent they have in the past, while at the lower commitment extreme, counties who have provided good

services will be given the opportunity to provide even better services.

As previously mentioned in section 1825, subsection (f), counties can at present utilize earnings generated in one year in the following fiscal year. Because commitments do tend to have high and low periods, a county will earn a million dollars 1 year and only $750,000 the next. It becomes important, therefore, for the county to have as much lead time for planning as possible. Legislation has been submitted to the 1971 California Legislature to amend this section and permit a 2-year carryover period. For example, if a county were to operate a $100,000 program and earn $300,000, then at the end of the first year of participation, it would be reimbursed $100,000 and have a guarantee of an additional $200,000 for use over the next 2 years.

Probably the most significant change being presented to the California Legislature in 1971 is one incorporating a mandatory requirement for annual adjustments of the payment table. The original intent of California's probation subsidy clearly implied that the payment table would be annually adjusted to reflect increasing costs for correctional services. Because of financial problems, the State has not adjusted the table in accordance with legislative intent. The State, primarily as represented by the department of finance, has argued that at even the present payment level, payments for uncommitted cases are substantially greater than the actual cost of probation supervision. This is technically correct, but overlooks the original purpose and intent of the subsidy act, an intent that was expressed in terms of increased protection and improved supervision. As a result of the failure of the State to voluntarily adjust the payment table, as the permissive legislation permits, the past positive relationship between the State and county has suffered. The inevitable result is the generation of considerable hostility and resistance to the program by those who were once its most ardent supporters.

If the above legislative changes become law, California's probation subsidy will continue to expand as rapidly in the future as it has in the past. The phenomenal growth of the program in the light of rising costs is a tribute to the probation departments who have achieved results with the program in spite of increasing hardships. Enactment of the changes outlined would accelerate California's effort to deal with correctional problems at a local level where services cost less and are most effective.

The impact of the program on California corrections has been great. The revolutionary change initiated in the system in 1966 has dramatically changed the entire profile of California's correctional system.

IMPACT

California's probation subsidy began on July 1, 1966, with 31 counties out of 58 participating. In 1970–71, there were 45 counties with approved subsidy programs. Representing well over 97 percent of the total State population, these counties operate programs costing more than $14,000,000.

Probably the most marked change to be noted since California's probation subsidy was operationalized occurred in the sentences imposed by the superior courts. Sentences to both prison and to the Department of the Youth Authority have been substantially reduced, along with a corresponding percentage increase in the proportion of defendants placed on probation. For example, in 1965, 23.3 percent of convicted superior court defendants were sent to State prison. In 1969, this figure had dropped to 9.8 percent. In the 3 years from 1966 through 1969, the active superior court probation caseload increased 53 percent, whereas for the prior 3-year period (1963 through 1966) the rise was only 17 percent. About 51 percent of the superior court defendants in 1965 received probation. By 1968, probation sentences accounted for 62 percent of the superior court dispositions. In 1969, this figure increased to 66 percent.[7]

Since 1966, 625 deputy probation officers have provided special supervision to over 17,000 probationers. In addition to the new case-carrying probation staff, there are 107 aides, 113 supervisors and 312 clerical workers employed under the program. Support staff include 17 administrators, 17 trainers, 10 researchers, 70 specialists and 45 miscellaneous employees. The result is better protection for the general public and better supervision for a substantial number of probationers than ever before in California's 68 years of probation history.

There has been a general decrease in commitments to in-

[7] *Crime and Delinquency in California.* (Sacramento, Calif.: Bureau of Criminal Statistics, Department of Justice, State of California, 1969). pp. 123–135.

stitutions in California, as throughout the United States. The decrease in California is marked in subsidy counties, however, being roughly twice as great for those counties participating in the subsidy program as for those not in the program. The decline in youth authority population alone has been precipitous since 1965, with an accelerating decrease each year. For example, on February 4, 1971, the following news release was issued by the Department of the Youth Authority:

> **Sacramento—Admissions to the California Youth Authority institutions declined in 1970 for an unprecedented 5th successive year, it was announced today by Allen Breed, Director of the California Youth Authority.**
>
> **A total of 3,746 youthful offenders were admitted to the youth authority institutions for the first time in 1970, a decrease of 16.6 percent from the 4,494 first admissions in 1969.**
>
> **First admissions have been declining every year since 1965 when an all-time peak of 6,174 was registered. The total in 1966 dropped to 5,458 and to 4,994 in 1967.**
>
> **Breed credited several youth authority treatment and subsidy programs for reversing the trend of increasing the population but particularly emphasized probation subsidy.**
>
> **In addition to two newly constructed but unopened 400-bed institutions, the youth authority expects to close by June of 1971 the Fricot Ranch School for Boys near San Andreas because of declining population and in succeeding years other institutional capacities no longer needed.**

Critics of California's subsidy program point to the general decline of institutionalization of commitments throughout the United States but only California is in the process of closing institutions and phasing out operating units while maintaining two new unopened institutions. These concrete realities speak more to the program's success than any theoretical argument developed questioning the program's impact.

In 1966–67, the average decrease in rate of commitments by participating counties was 16.1 percent, while the median decrease was 36.7 percent. In 1969–70, the average decrease in rate was 29.7 percent and median decrease was 38.8 percent.[8] The goal set for the program in 1964 called for an ultimate decrease in commitment rate amounting to 25 percent. Projections made regarding the decrease in rates assumed that it would take 5 years to achieve the 25 percent reduction goal. In fact, that State goal was achieved in the second year of operation.

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[8] *Department of the Youth Authority Annual Summaries of Subsidy Performance.* (Sacramento: Division of Community Services, Mimeographed Reports, 1967–70).

Response to Critics

California's probation subsidy has gone a long way toward achieving the objective laid down by the legislature but has it stopped crime? It was not supposed to, at least not by itself or not in terms of the legislative intent. A long range benefit of subsidy may ultimately result in the reduction of crime and delinquency, but subsidy cannot be held responsible for the increase or decrease in the many statistics that are labeled crime rate. This is particularly true when the laws that determine these statistics change and are interpreted differently in different parts of the State.

Probation subsidy has not shifted State institutional costs to city and county jails or farms. Per capita rates for incarceration are less today than they were in 1965, prior to the probation subsidy.

The fact that county jails are overcrowded has a great deal to do with the fact that California holds upwards of 50 percent of all unsentenced prisoners in its county jails and may not be attributed to subsidy. California's subsidy has not increased the use of county camps for juveniles. The per capita use of bed space has actually declined and today there are more empty beds in county juvenile camps and detention halls than ever before in history. (Tables II and III present this data.)

TABLE II. Comparison of county jail and camp populations,[1] September 1965 through 1968

	1965 [2]	1966 [3]	1967 [4]	1968 [5]
Sentenced adult inmates of county jails & camps.	16,193	14,307	13,929	14,661
Index number	100	88.4	86.0	90.5
Per capita/100,000 population	86.5	74.8	71.5	74.1
Unsentenced adult inmates of county jails & camps	7,844	7,364	7,781	9,435
Index number	100	93.9	99.2	120.3
Per capita/100,000 population	41.9	38.5	39.9	47.7
Total sentenced and unsentenced adult inmates of county jails & camps.	24,037	21,671	21,710	24,096
Index number	100	90.2	90.3	100.2
Per capita/100,000 population	128.4	113.3	111.5	121.8

[1] *Report on State Aid for Probation Services,* Joint Study by the Department of Finance, Department of the Youth Authority and County Probation Representatives. (Sacramento, Calif., State of California, Oct. 30, 1970). Table 1 in appendix I.

[2] Sept. 23, 1965.

[3] Sept. 22, 1966.

[4] Sept. 26, 1968.

[5] Adjusted for increased population (based on total California population) per 100,000 population.

In the case of county camps, ranches, and schools subsidized by the Department of the California Youth Authority, an analysis showed that counties use less of their bed capacity today than they did before probation subsidy. (See table III.)

TABLE III. Seven-year comparison between average daily attendance and number of available beds in county camps for juveniles, 1963–1970.[1]

	Ratio of average daily attendance to capacity
1963 to 1964	84.4
1964 to 1965	93.1
1965 to 1966	86.4
Probation Subsidy	
1966 to 1967	85.6
1967 to 1968	81.6
1968 to 1969	87.9
1969 to 1970	73.4

[1] *Ibid.*

Evaluation

Although more extensive evaluation of the probation subsidy program is needed, much has already been carried out or is in process. While underresearched from a scientific standpoint, California's probation subsidy has probably been subject to more scrutiny and more study by more groups than any other single new piece of legislation in the United States. One of the most thorough and comprehensive studies was carried out by a study committee involving the department of finance, the Department of the Youth Authority and county probation departments.[9]

Because of the nature of the program with its measurement of reduced commitments from an established base rate, there is no question but that first commitments to the California Youth Authority and California Department of Corrections have decreased significantly.[10] (See table IV.)

Overall, the decrease has amounted to an estimated 31 percent. Commitments to the California Youth Authority are down 41 percent, while commitments to the California Department of Corrections are down about 20 percent.

[9] Op. Cit.

[10] *Review of Evaluative Efforts,* Department of the California Youth Authority, (Sacramento, Calif.; July 15, 1971). p. 1.

TABLE IV

Fiscal year	First Commitments		
	Total	California youth authority	California department correction
1965 to 1966	11,665	5,831	5,834
1970 to 1971	8,091 [1]	3,441	4,650 [1]
Percent decrease	30.6 [1]	41.0	20.3 [1]

[1] Estimated, since final fiscal totals for California department of corrections are not available.

During this same 5-year period most indices of crime, such as crimes reported, adult and juvenile arrests, continued upward. None of the increases can be attributed to the probation subsidy since such indices had been increasing for many years before the probation subsidy. Preliminary information for 1970 shows a slight decline in juvenile delinquency arrest rates and in most other indices of juvenile delinquency. Of greater interest perhaps is the fact that superior court probation grants have increased, while violation rates have declined since probation subsidy was enacted. (See tables V and VI.) Violators made up 36.3 percent of the total removed from superior court probation for the years 1962–65. This percentage averaged only 33.8 percent for the 1966–69 period. Other data also suggest that it is reasonable to conclude that the general crime situation in California has not deteriorated since probation subsidy.

In 1970, the legislature provided funds to the California Youth Authority to obtain additional facts about the subsidy program. No organized system for research had existed previously and information had been limited to statistical data related to reduced commitments and probation generally. In turn, the California Youth Authority contracted with the Bureau of Criminal Statistics to develop information through their established reporting system. This revised system is now operational, and the first report was released under the title of *Characteristics of Adults and Juveniles in Regular and Subsidy Caseloads on December 31, 1970.*

The report publishes some interesting findings. As originally conceived, California's probation subsidy was to be used to provide intense supervision for those adult or juvenile cases that might otherwise be committed to a State correctional institution. In analyzing the comparative caseloads of those under regular supervision and those under subsidy, the report indicates that probationers with poor prior records were more commonplace

TABLE V. Superior court defendants convicted, adults granted probation and probation caseload, 1960–69 [1]

Calendar year	Superior court defendants convicted and sentenced	Adults granted probation [2]	Percentage of adults placed on probation	Caseload, Dec. 31
1960	24,800	11,000	44.4	26,900
1961	28,000	12,600	45.0	28,300
1962	27,000	11,400	42.2	28,700
1963	28,400	13,500	47.5	30,800
1964	27,800	14,200	50.9	32,000
1965	30,800	15,700	52.4	33,700
1966	32,000	16,800	58.6	36,000
1967	34,700	20,300	61.9	39,500
1968	40,500	25,000	65.6	46,300
1969	50,600	33,200	....	55,100
Percent change 1969 over 1960.	104	202	....	105

[1] *Crime and Delinquency in California. Op. cit.* p. 126.
[2] Based on data submitted by district attorneys.

TABLE VI. Superior court probation violations, 1960–69 [1]

Year	Total removed [2]	Caseload Dec. 31	Violations [3]		
			Number	Percent	
				Total removed	Caseload Dec. 31
1960	9,779	26,900	3,619	37.0	13.4
1961	11,728	28,300	4,337	37.0	15.3
1962	11,618	28,700	3,986	34.3	13.9
1963	11,956	30,800	4,462	37.3	14.5
1964	12,810	32,000	4,600	35.9	14.4
1965	13,612	33,700	5,081	37.3	15.1
1966	13,937	36,000	4,662	33.4	13.0
1967	17,534	39,500	6,044	34.5	15.3
1968	17,583	46,300	5,729	32.6	12.4
1969	20,156	55,100	7,019	34.8	12.7
Total:					
1962 to 1965	49,996	125,200	18,129	36.3	14.5
1966 to 1969	69,210	176,900	23,454	33.8	13.3

[1] *Ibid.* p. 130.
[2] Includes all terminations, violations and loss of jurisdiction cases.
[3] Includes revocations of probation whether sentenced or not and loss of jurisdiction cases.

among subjects in the subsidy caseloads than among the regular probation caseloads. (See chart VI.) Subsidy caseloads contained 33.5 percent of defendants with major records short of a prison experience and 9.1 percent with a record of prior prison commitment. The respective proportions for regular caseload subjects was 26 percent with major records and only 7.5 percent with prior prison records. On the basis of this finding, it would seem that the "best" cases, those most easy to supervise and with the least probability of future violations, were not being included in special supervision. Rather, hard core cases were being subjected to the enriched treatment procedures available in special supervision programs. Adult subsidy cases included older serious offenders with prior records. (See chart III.) Other data on the proportion of adults in regular or subsidy caseloads and racial characteristics are graphically portrayed in charts I–VI on the following pages.[11] Information on juveniles appear in tables VII through XI.

Beginning in 1970, in addition to its regular statistical analysis of reduced commitments, the California Youth Authority's research and development division assigned a full time position to an on-going evaluation of probation subsidy programs. This position acts as the liaison representative with the Bureau of Criminal Statistics and has undertaken several special studies. Three reports have been completed, the last of which provides information on the movement of cases assigned to the probation subsidy program and more detailed descriptions of the components of these programs.[12]

The most recent report (No. 3), indicates that of 3,400 cases removed from caseloads during the reporting period, only 662 (19 percent) were removed for violational reasons. Information developed during the first progress report indicated that about 15 percent of the caseload (which represented slightly over 16,000 cases) were removed for violational reasons.

Report No. 3 shows that there were 17,305 cases in special supervision caseloads in March 1971. The overall violation rate of 19.4 percent for all cases leaving the subsidy program during the first quarter of 1971 is only 1 percent more than the violational removed rate published in Progress Report No. 2. This level of violation is substantially below the 25 to 30 percent normally associated with regular caseloads and is particularly important when it is related to the information provided by the Bureau of Criminal Statistics showing that probation subsidy caseloads were

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[11] Graphic work provided by Mr. Ronald Lai, Bureau of Criminal Statistics, State of California, Department of Justice, Sacramento, Calif.

[12] *Probation Subsidy Evaluation*, Progress Reports Nos. 1–3. (Sacramento: Department of the Youth Authority, December 1970; May 1971; and July 1971).

CHART I

PROPORTION OF ADULT CASES ASSIGNED TO SUBSIDY CASELOADS ON DECEMBER 31, 1970

PERCENT OF TOTAL ACTIVE SUPERIOR COURT PROBATION CASES IN EACH OF 15 COUNTIES WITH OVER 200,000 POPULATION

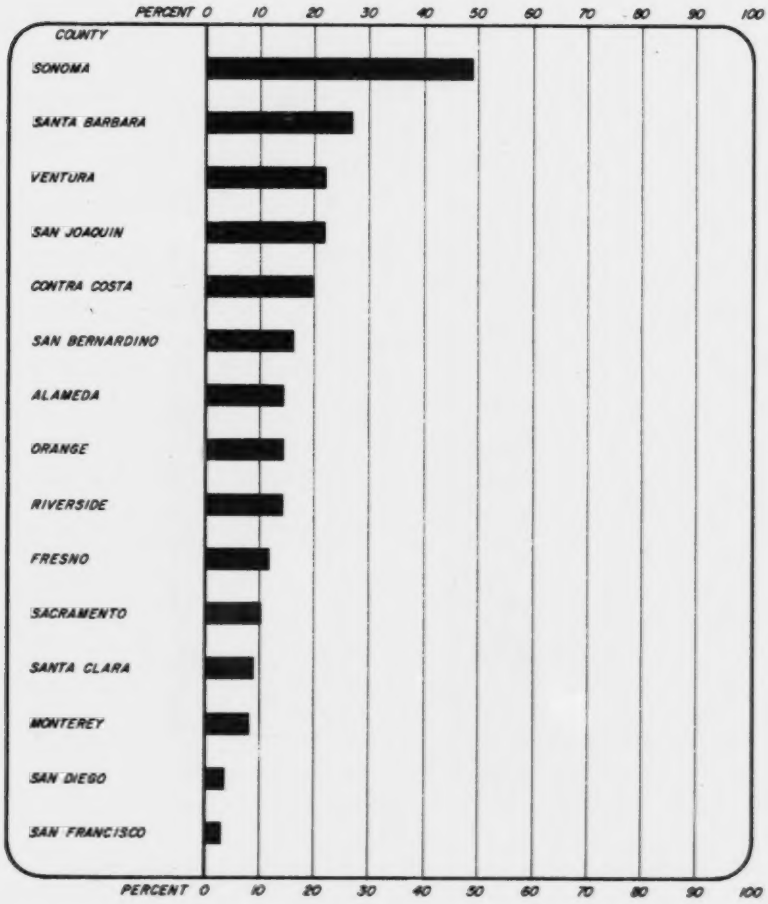


CHART II

CONVICTED OFFENSE OF ADULT CASES IN REGULAR AND SUBSIDY CASELOADS ON DECEMBER 31, 1970

PERCENT OF TOTAL ACTIVE SUPERIOR COURT PROBATION CASES IN 41 COUNTIES

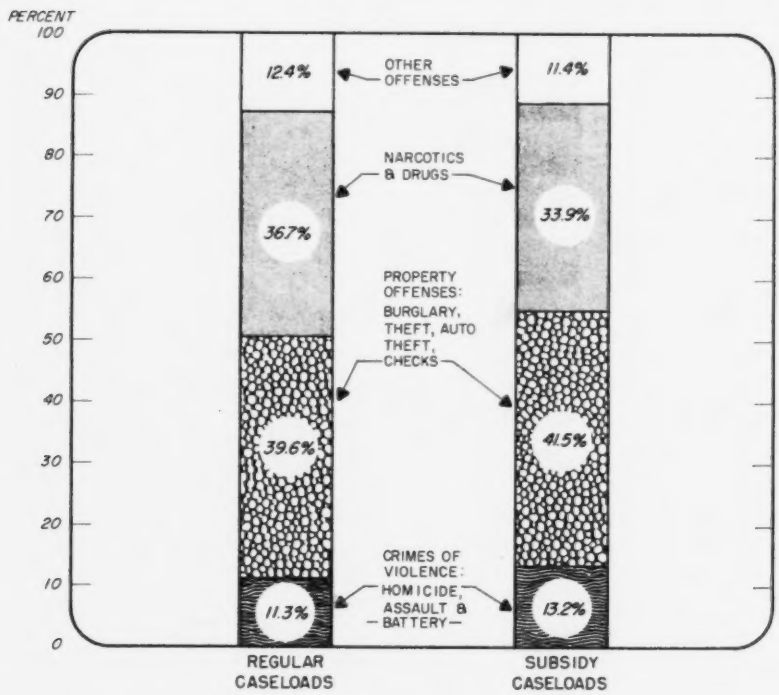


CHART III

AGE OF ADULT CASES IN REGULAR AND SUBSIDY CASELOADS ON DECEMBER 31, 1970

PERCENT OF TOTAL ACTIVE SUPERIOR COURT PROBATION CASES IN 41 COUNTIES

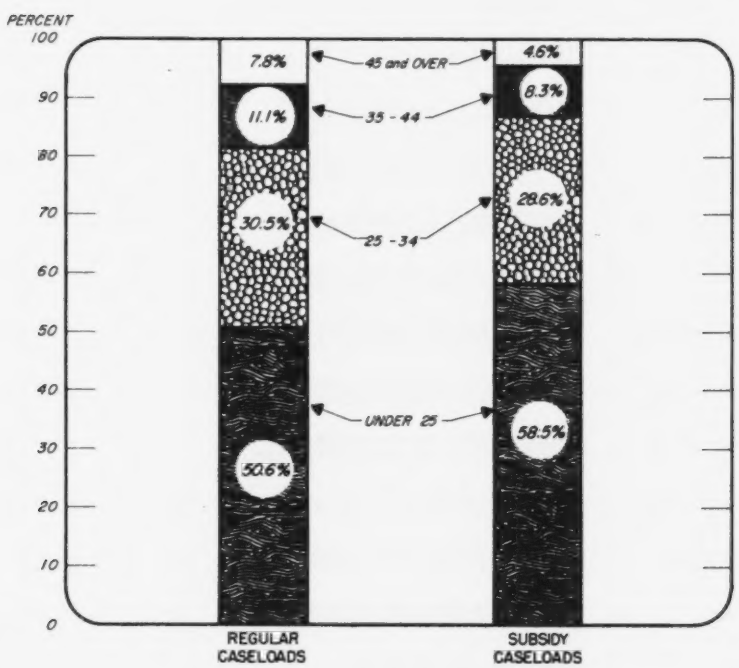


CHART IV

PROPORTION OF ADULT CASES IN REGULAR AND SUBSIDY CASELOADS ON DECEMBER 31, 1970 THAT WERE UNDER AGE 25

PERCENT OF ACTIVE SUPERIOR COURT PROBATION CASES IN EACH OF 15 COUNTIES WITH OVER 200,000 POPULATION

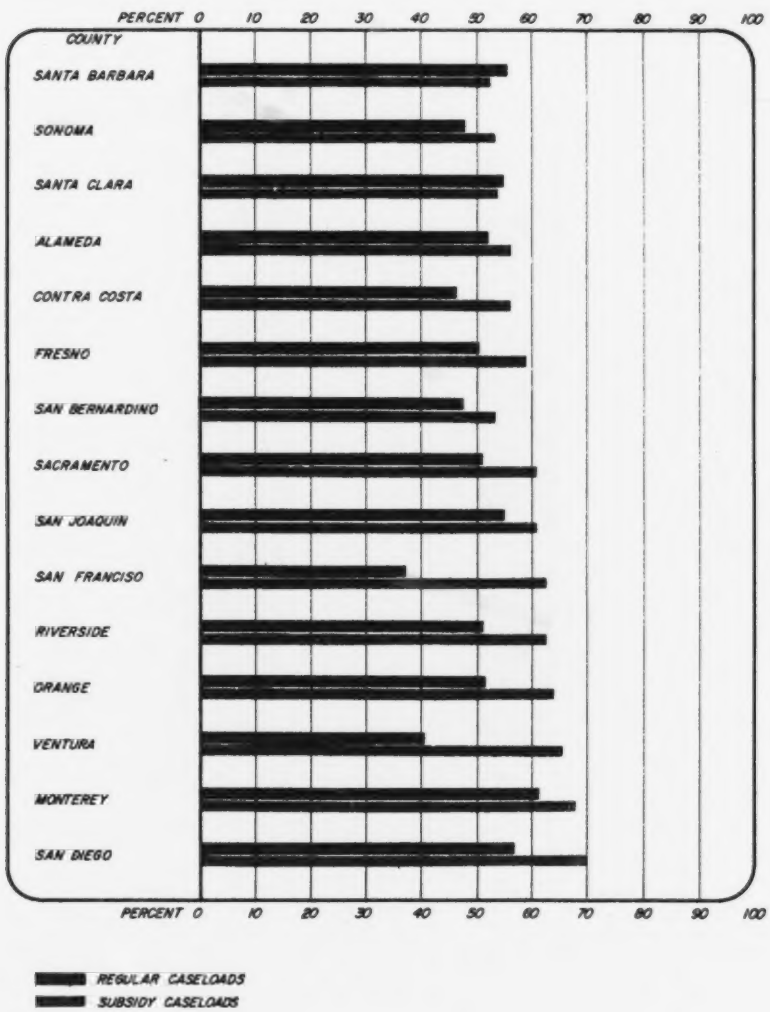


CHART V

RACIAL CHARACTERISTICS OF ADULT CASES IN REGULAR AND SUBSIDY CASELOADS ON DECEMBER 31, 1970

PERCENT OF TOTAL ACTIVE SUPERIOR COURT PROBATION CASES IN 41 COUNTIES

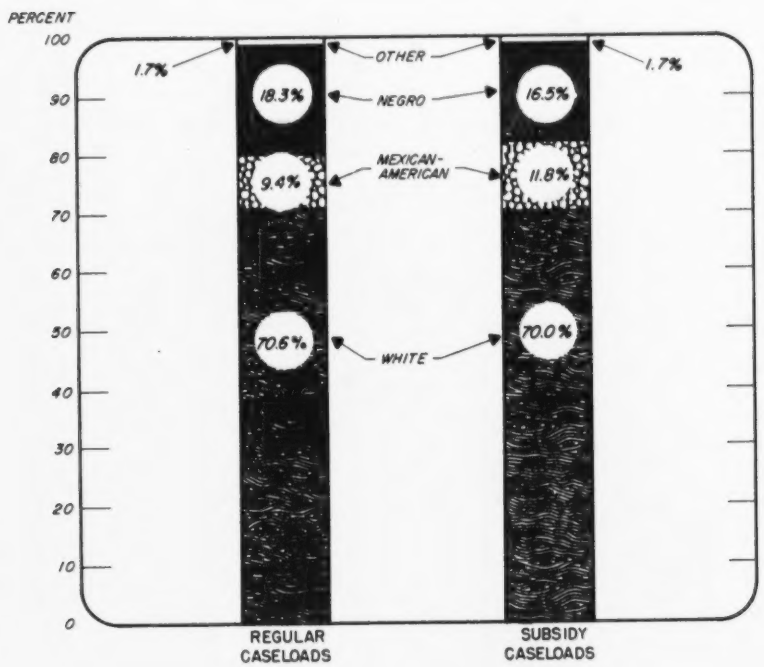


CHART VI

PROPORTIONS OF ADULT CASES IN REGULAR AND SUBSIDY CASELOADS WITH MAJOR PRIOR RECORD

Active Superior Court Probation Caseloads in 41 Counties on December 31, 1970

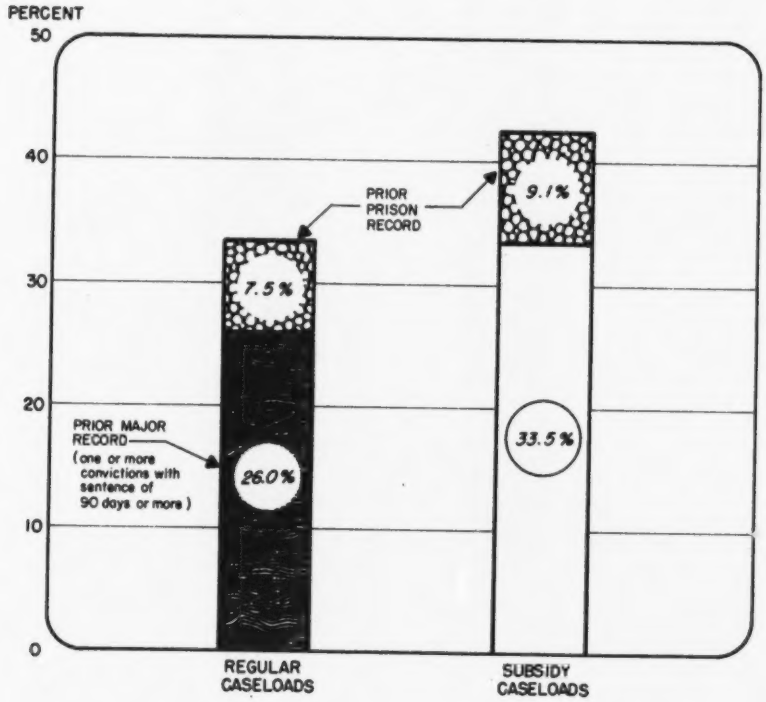
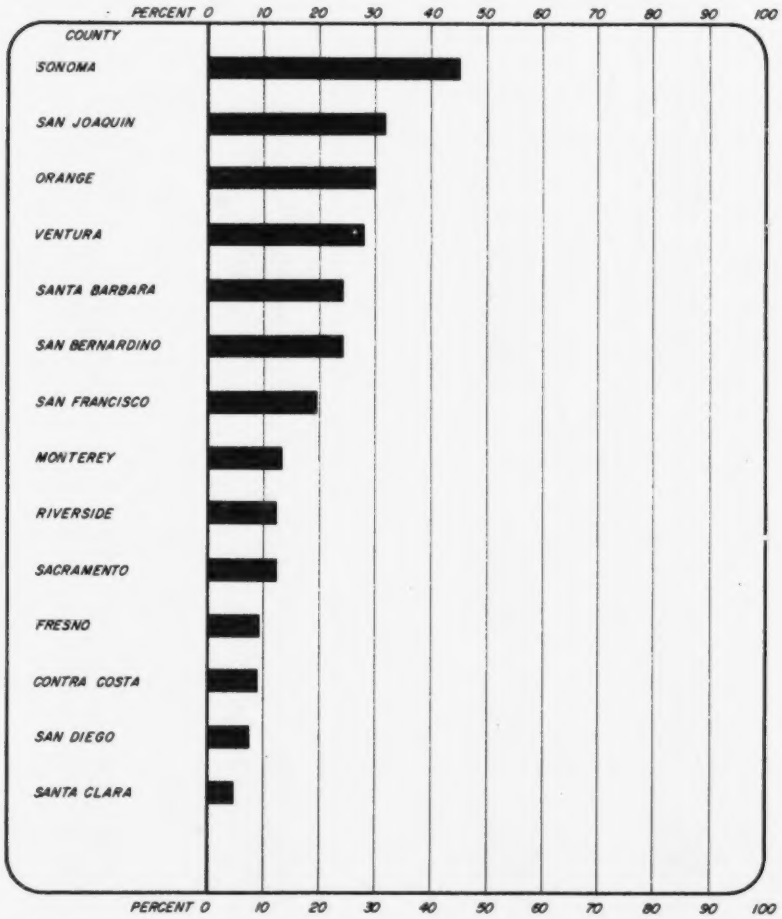


CHART VII

PROPORTION OF JUVENILE CASES ASSIGNED TO SUBSIDY CASELOADS ON DECEMBER 31, 1970

PERCENT OF TOTAL ACTIVE JUDICIAL[a] PROBATION CASES IN EACH OF 14 COUNTIES WITH OVER 200,000 POPULATION



[a] JUVENILE CASES ON PROBATION FOR 6 MONTHS OR AS WARDS.

CHARTS VIII – XI

JUDICIAL[a] JUVENILE PROBATION CASES IN REGULAR AND SUBSIDY CASELOADS ON DECEMBER 31, 1970 IN 43 COUNTIES[b]

CHART VIII
PROPORTION OF BOYS AND GIRLS

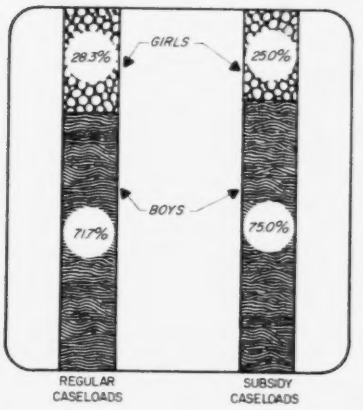


CHART IX
PROPORTION OF MINORITY YOUTH IN REGULAR AND SUBSIDY CASELOADS

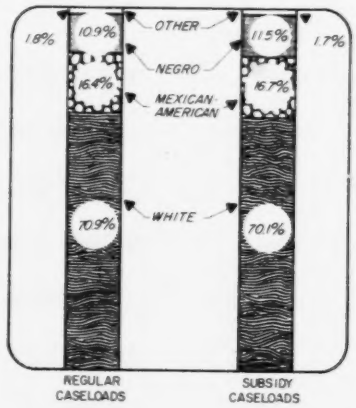


CHART X
PROPORTION OF MINORS IN FOUR AGE GROUPS

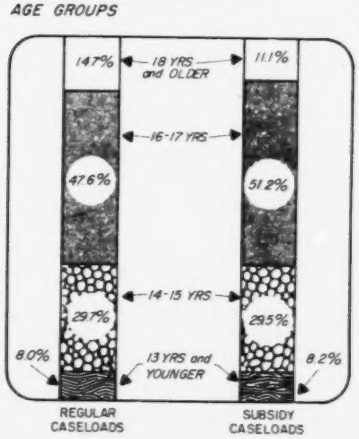
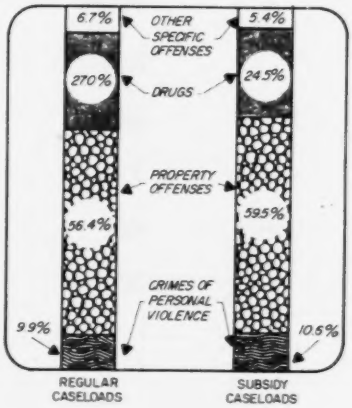


CHART XI
PROPORTION OF MINORS IN FOUR SPECIFIC OFFENSE GROUPS (DELINQUENT TENDENCIES OMITTED)



[a] JUVENILE CASES PLACED ON PROBATION FOR SIX MONTHS OR AS WARDS
[b] EXCLUDES LOS ANGELES AND ALAMEDA

older and consisted of the more serious offenders with longer prior records.

Comparative Workloads

Normally, probation officers in California working with adults carry an average caseload in excess of 150 cases. Supervising deputies frequently provide direction and supervision to not less than seven or eight deputies. Juvenile probation officers are in somewhat better position in that their average caseloads vary between 70 and 80 and the supervisor's span of control is closer to 6 to 1. If this represents the normal level of service and describes the typical probation caseloads, what are special supervision caseload staffing patterns?

On March 31, 1971, there were 1,555 staff involved full or part time in providing services to clients under the probation subsidy program. Of this total, there were 125 supervising probation officers, 621 deputy probation officers, 315 clerical staff involved throughout the State. Ninety-six percent of this staff were employed on a full-time basis. These figures show complete compliance with the workload standards set by the Youth Authority for the operation of the program.

The supervisor's span of control in special supervision caseloads is 5 to 1. Average caseloads for deputy probation officers working in the program total 28. Another 494 staff are associated with the special supervision programs in some form or another. The single largest group in the other category included 303 volunteers. The second largest category was education and included teachers, tutors, and aides. Although the overall average caseload for deputies working in the special supervision program is 28, caseloads range from a low of 14 to a high of 50 cases per deputy throughout the 45 different programs operating in the State. The majority of caseloads cluster around 25 to 39 cases. The standard imposed by the Department of the Youth Authority permits caseloads up to an absolute maximum of 50 per officer.

Classification Schemes

Previous studies of probation including the *1964 Probation Study* clearly indicated that little or no effort was being made to develop classification systems by which client needs and treatment resources are effectively put together to bring about be-

havioral change. It was for this reason that a standard was written for special supervision programs that required departments to establish a classification or typological system for the treatment of offenders. Table VII presents the distribution of the types of classification systems which were being employed by subsidy counties in March 1971.

TABLE VII. Distribution of the types of classification systems utilized by subsidy counties [1]

Type of classification system (as of March 31, 1971)	Number of counties utilizing the system [2]
Screening and/or case conference to determine eligibility of case for selection.	22
I-Level system	18
FIRO-B	14 [3]
Quay classification system	2
Seven Ego Types (similar to I-Level)	1
Jesness inventory	1
Polk classification system	1
Work unit scoring	1
Workload determined by plan (WDP) system	1
Bell adjustment inventory	1

[1] *Ibid.* 3d Report.

[2] Fifteen probation departments utilized two or more classification systems within their department. For this reason, the number of counties utilizing each of the various classification systems adds to more than the number of subsidy counties (44).

[3] A 15th county, Tuolumne, indicated that their probation department was experimenting on a limited basis with FIRO-B as a *potential classification system.*

The most widely used system involves a screening process accompanied by a case conference or staffing. The focus of the system is to determine the eligibility of the case for subsidy. Once this is accomplished, the second concern is the development of a treatment objective for the case if it is to be placed in a special supervision program.

The I-Level classification system is the most frequent classification system employed and is utilized by 18 of the counties. This system, developed and first implemented by the Youth Authority's community treatment project, involves classifying delinquents according to interpersonal maturity levels.[13]

[13] For information on I-Level classification system, see M. Q. Warren and staff of community treatment: *Interpersonal Level Classification: Juvenile Diagnosis and Treatment of Low, Middle and High Maturity Delinquents,* California Youth Authority, Division of Research, 1966.

The third most frequently utilized classification system is the FIRO–B test which was used by at least 13 counties at the time of the survey. FIRO–B stands for fundamental interpersonal relations orientation behavior.[14] The FIRO–B is a 54-item questionnaire developed by William Schutz which measures three fundamental dimensions of interpersonal relationships: Inclusion, control, and affection. One of the chief advantages of the application of the instrument is that it can be used to match probationers to probation officers, according to their natural life styles and personalities. Counties using FIRO–B do so in the hope that it will build rapport and more quickly and naturally facilitate a successful treatment relationship.

The Quay classification system is used by two counties, with another six miscellaneous classification schemes being used by six different counties.

Prior to probation subsidy, the primary means of treatment was either a group or one-to-one counseling relationship based on belief that through counseling, either group or individual, offending behavior could be corrected. One of the hopes of probation subsidy was that modern treatment concepts would be employed in the every day work of probation departments. As of March 31, 1971, counties participating in probation subsidy were using a variety of treatment techniques that are considerably more sophisticated than the "old" one-to-one counseling, based on advice and personal assistance. For instance, a number of counties use transactional analysis, while several others are developing programs around I-Level. Conjoint family therapy is offered in over 50 percent of the counties, small group counseling in about 80 percent, individual case work in about 90 percent, and in many counties, these various treatment approaches or systems are employed simultaneously.

Aside from the significant changes that have occurred in regard to reductions of commitments to state institutions, increased use of probation and the retention of more difficult cases in the community under intense supervision, there has been a corresponding increase in the level of sophistication in treatment offered by special supervision staff. This has paralleled a dramatic change in the workloads carried by deputy probation officers and their immediate supervisors which has facilitated a more sophisticated and effective delivery of service.

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[14] For a discussion of the theory behind FIRO-B development, see William C. Schutz, *The Interpersonal Underworld,* Palo Alto, Calif., Science and Behavior Books, Inc., 1966.

Organizational Consequences of Change and the Role of the Special Supervision Officer

California's probation subsidy has dramatically changed the character of both the population served and the quality of services offered at the county probation level. Changes of this magnitude, however, have organizational consequences that are directly associated with changing the character and delivery of correctional services at the local level.

Probably one of the best analyses related to organizational change resulting from probation subsidy is that made by Forrest Dill for the Center on Administration of Criminal Juctice, University of California at Davis. In his opening paragraph Mr. Dill states that his study:

> **". . . suggests a need for some caution in accepting the 'value-added' view of correctional professionalization as it bears on correctional organization, for one of the features which 'special supervision' seems to have added to organizational life in the agencies we have been examining is an insistence and not easily met demand for greater organizational recognition of the role of treatment expertise and professional knowledge of correctional techniques."** [15]

Mr. Dill goes on to state that one of the interesting features about special supervision officers is their demand for autonomy which is based on an asserted expertise of specialized knowledge of correctional treatment methods. Their asserted expertise gives rise to new demands on the organizational hierarchy for changes in the established ways of doing business.

Almost every study looking at the role of the subsidy officer in the operating unit has stressed the importance of the unique role played by the special supervision officer. This new role calls for a heavy premium on resourcefulness, dedication, skills and personal abilities. In many ways, the activities of special supervision officers are, in the religious sense, a "calling," for which a selected few are chosen, and even fewer qualified.

There is increasingly evidence that special supervision officers see their roles as being radically different in motivation,

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[15] Forrest Dill, "Organizational Change in Probation", *Feasibility of Evaluating the California Subsidy Program, Report of a Conference.* (Davis, Calif. The Center on Administration of Criminal Justice, U. C. Davis, Mar. 25-26, 1970). p. 28.

commitment, and involvement from other officers and staff. Special supervision officers are by definition people who become involved with their clients and tend to see them as individuals. Hence, they are no longer minor bureaucratic functionaries, but instead treatment professionals with a role that is frustrating, challenging, and demanding in terms of their own personal lives.

Special supervision officers are quick to express their shock at finding that many of their prior practices in probation supervision were almost entirely unrelated to the work required in a small caseload. Some officers even see the special supervision function as a new occupation altogether, differing both in quality and in content from regular supervision. Probation officers working in special supervision show marked changes in attitudes toward themselves and their work. Much of the work of the regular probation officer is limited by a restrictive philosophy growing out of the rules, regulations, and laws under which he works. The special supervision officer finds that the mission his department has given him does not permit him to blindly follow the routine practices of the past without question.

From a practical standpoint, reduced caseloads permit subsidy officers to have more freedom in determining work schedules and setting priorities in accordance with their own conception of good and bad use of time. In addition, special supervision deputies have the opportunity and reward to participate in new kinds of training experiences which better equip them to carry out their difficult assignments. Transactional analysis, conjoint family therapy, differential treatment, I-Level, FIRO–B are all systems available to special supervision officers that were only barely visible on the probation correctional scene prior to 1966.

On the basis of California's experience thus far, one can hypothesize that, to the extent that special supervision programs permit probation officers to become more professional in their work, new organizational strains will ensue. Special supervision staff are expected to develop a strong investment in their clients in order to insure that the client moves away from illegal behavior. As a result, probation officers find themselves in a new role of advocate and broker for their client and seeking special arrangements with juvenile halls, camps, and jails, not in the sense necessarily of preferential treatment for the sake of preferential treatment but, instead, special handling in line with specific treatment objectives. Many of those outside special supervision see this special handling as preferential treatment.

The effects of California's probation subsidy on the organization structure of many probation departments in the State have been significant.

Fiscal Impact

Probably no single program has stimulated as much interest in fiscal impact as has California's probation subsidy. Projected to rise to a program costing the State $25 million per year by 1975, special supervision proposals by the counties for 1971 total almost $20 million.

Since counties are reimbursed for actual program costs and not necessarily the total amount of earnings, savings to the State have been significant. Earnings during the first year of the program were $5.6 million, with State program reimbursements of only $1.6 million; hence a $4 million savings to California taxpayers.

During 1967–68, the second year of the program, earnings amounted to $14.2 million and reimbursements $13.3 million. During 1970–71 fiscal year, earnings were in excess of $18 million. Counties are reimbursed for actual expenditures. They do not benefit from earnings unless the earned dollars are invested in improved probation supervision services.

During the first 5 years of the subsidy program, the numbers of reduced commitments (or stated differently, the number of new admissions not sent to either the Youth Authority or the California Department of Corrections) totaled 15,487. Although the overall percentage decrease in commitments has been more favorable to the Department of the Youth Authority, the actual numbers of cases not committed to State institutions have favored the Department of Corrections slightly. During fiscal 1970–71 there was a leveling off, with reduced commitments being accounted for by roughly 50 percent Youth Authority cases and 50 percent Department of Corrections cases.

TABLE VIII. Total savings, 1966–72

	Annual cost	Accumulative cost to 1971–72
Support:		
Canceled construction	$22,090,000	$67,590,000
Closed institutions	5,302,820	9,012,820
New institutions not opened	4,700,000	13,800,000
Construction	.....	95,576,000
Total	32,092,820	185,978,820
Total expenditure for probation subsidy for the same period,		$59,925,705

Between 1966 and 1972 (using projections based on limited information for the 1971–72 fiscal year only) California can demonstrate that it has saved $185,978,820 through canceled construction, closed institutions, and new institutions constructed but not opened. Total expenditure for probation subsidy, both actual and projected for the same period of time, will be $59,925,705.

The maintenance and operations costs for these unopened institutions could pay for a California probation subsidy program of $32 million per year and still represent a substantial savings to the taxpayers of this State by avoiding capital construction costs. See tables VIII, IX, X, XI, and XII.

TABLE IX. Institutions closed

	Annual savings	Accumulative savings to 1971–72
Corrections:		
Calif. treatment facility south	$325,000	$975,000
Calif. medical facility west	2,275,210	2,275,210
5 camps	432,610	432,610
Youth authority:		
Fricot (220 beds)	950,000	950,000
Spike camps (3) (60 beds)	210,000	1,050,000
Living units closed:		
Fred C. Nelles, 60 beds	210,000	630,000
Ventura, 50 beds	170,000	510,000
Los Guilucos, 40 beds	150,000	450,000
Preston, 90 beds	310,000	930,000
Paso Robles, 80 beds	270,000	810,000
Total savings, closed institutions	5,302,820	9,012,820

TABLE X. Support savings from capacity never opened

	Annual cost	Accumulative cost to 1971–72
Youth authority:		
Older boys reception center	$2,500,000	$5,000,000
DeWitt Nelson	2,200,000	8,800,000
Total savings-unopened capacity	4,700,000	13,800,000

TABLE XI. Projected operational costs for canceled construction

	Annual cost	Accumulative cost to 1971–72
Corrections:		
San Diego	$7,230,000	$28,920,000
Youth authority:		
Boys		
Camps (2)	1,370,000	4,110,000
Northern Calif. Youth Center:		
Institution No. 4	2,200,000	3,700,000
Medical Psychiatric	3,000,000	2,100,000
Southern Calif. Youth Center:		
Medical Psychiatric	3,500,000	14,000,000
Institution No. 4	2,200,000	4,400,000
Girls		
Northern Calif. Youth Center:		
Training school	1,730,000	6,920,000
Reception center	860,000	3,440,000
Total operational costs	$22,090,000	$67,590,000

TABLE XII. Savings from institutions planned but construction canceled

	Beds	Total cost
Corrections:		
San Diego	2,400	$43,000,000
Youth authority:		
Boys		
Camps (2)	160	1,976,000
Norther California Youth Center:		
Institution No. 4	400	9,600,000
Medical psychiatric	400	10,200,000
SCYC:		
Medical psychiatric	480	10,200,000
Institution No. 4	400	8,200,000
Girls		
Northern Calif. Youth Center:		
Training school	200	7,500,000
Reception center	100	2,900,000
Total construction cost		$93,576,000

State Organizational Consequences

Prior to 1965, the Department of the Youth Authority and the Department of Corrections were rapidly expanding State agencies adding staff, new institutions, and increased administration each year to take care of growing workload. Beginning in 1965, and related directly to the drop in new admissions, was the dramatic curtailment of promotional opportunities. Indeed, as jobs became more and more important and opportunities for employment less and less available, organizational survival began to evidence itself. As wards became scarce, the institutional time they served began to gradually creep up. An average length of stay of 8 months in 1964 had increased to 10.2 months in 1971. The length of time on parole has increased from slightly over 18 months in 1964 to over 24 months in 1971. Along with these tendencies which reflect an organization's desire to survive and the individuals who maintain that organization's desire for employment, have also come some very positive changes. There has been an improved institutional staffing pattern, improved parole caseload ratios and a decreasing rate of recidivation by Youth Authority wards on parole in the community. For the first time in 20 years the California Department of Corrections has been able to adopt a plan to use single cells for inmates. The Department of the Youth Authority has been able to split a large 800-ward institution and establish two smaller programs, one in a new modern facility. All of these achievements have occurred within existing budget. In addition, juvenile court commitments are being taken out of Department of Corrections facilities, while reducing the total Youth Authority population in California department of corrections facilities to 100.

It would appear that an agency that deliberately sets about to commit what one author has called organizational suicide by developing community alternatives for State institutional care, must face up to a unique dilemma, survival through successful adaptation. The impulse to survive reflects itself in both positive and negative ways. Take, for instance, improvement in levels of service that require more employees for a smaller total workload but produce an improved performance, performance that permits wards to remain in the community longer without violation than ever before. An agency faced with the dilemma described must also plan to cope with problems of morale and anxiety of staff who must work harder and harder to survive, but the very act of survival means becoming more effective in working themselves out of a job. Obviously, the dilemma is more easily described than resolved, but it is the real issue with which an organization that "works itself out of work" must cope.

People Programs

As used in this section the term *program* is a description of an activity carried out by a probation department as a part of their special supervision effort. The descriptions that follow are brief vignettes of the kinds of things that can be performed by a probation service that has adequate staff, resources, knowledge, and time.

Someone Who Cares

During early 1971, the writer had occasion to visit an operating, and relatively successful, adult special supervision unit. The unit is separate and physically apart from the regular probation department. It is located in a building containing a series of professional and business offices. It is not easily identified as a probation office since it is designated by a very small, inconspicuous sign that meets county requirements, but is not quite in conformance with county intent.

While waiting for an appointment to see the supervising deputy, a rather well-dressed, 20-year-old came into the office. He was addressed as Mr. Johnson by the receptionist. It was surprising to hear the receptionist also add with her acknowledgement of Mr. Johnson's arrival that she hoped his children were over the measles and that his boy's arm was healing properly. Before seating Mr. Johnson the receptionist also asked if he cared to have a cup of coffee since his probation officer was engaged and there would be a few moments delay. Mr. Johnson declined but proposed that perhaps the other gentleman waiting in the reception area would like a cup of coffee. Mr. Johnson came over and sat down beside me and we began to talk about his children's measles, and his boy's broken arm.

He described a series of incidents that were not uncommon to many young parents, with one exception, and that was that when his younger boy had broken his arm, he had been unable to obtain medical aid and had turned to his probation officer for help. Unlike any other experience he had ever had, his officer had arranged for immediate medical treatment for the boy through county hospital services. This was impressive enough, but when Mr. Johnson reported that it had occurred on a Sunday evening about 8 p.m., the writer was even more impressed.

As the conversation continued, the probationer became interested about the monograph being prepared describing

California's probation subsidy. Asked whether or not he had been on probation prior to California's probation subsidy, he indicated that he had. It was suggested that it might be interesting to have his observations about the basic difference in the quality of service, if there was any, that he was receiving now over what he had received before. He paused for a moment or two, thought rather carefully before replying and then carefully said:

> **Well, before when I was on probation it didn't mean anything. No one cared, I didn't know who my probation officer was, and I certainly couldn't regard him as someone to whom I could turn for help. Things are different now. Did you notice when I came in that Miss Martin knew who I was, expressed an interest in my children and was aware of some of the difficulties I had had? Did you notice, too, that she treated me like a human being, she offered me a cup of coffee, while at the same time telling me that there would be a few moments before my probation officer could keep our appointment. That's pretty much the difference. Here, now, I am treated like a human being. Before, I was nothing. That's the biggest difference, mister. Now I'm a human being.**

In most of the brief program descriptions that follow, the same theme repeats itself time and time again. Probation officers with time, skill, opportunity, and resources can demonstrate to probationers that someone does care and that probation means help as well as control.

A Cultural Enrichment Program

Two probation officers and 11 wards of the court took a day off from school and work to journey to Dodge Ridge ski area for a day in the snow. Most of the youngsters were minority youth from a lower socioeconomic group. In addition, most of them had never experienced snow before, and had no idea what to expect.

One particularly sophisticated young lady, age 14, agreed to come on the trip primarily so that she wouldn't have to attend school that day. Her initial attitude was one of being too grownup to become involved in such horseplay as throwing snowballs, riding on toboggans and generally having a good time. She sat on a log at the side of all of the activities and refused to become involved while the other youngsters, both boys and girls alike,

appeared to have a marvelous time. Two probation officers were present, not as probation officers or parents, but as members of the party. After eating lunch it was noticed that the sophisticated young lady who heretofore had not become involved in any of the activities was beginning to relax and play with the other young people. When it was time to leave, she was the last one to leave. She was having such a good time she didn't want to quit and on the ensuing trip home she talked about what fun she had had and indicated a desire to go back again, if possible.

The change in attitude of this youngster and others after this trip was remarkable. Their behavior improved, their relationships to the probation officers improved. Subsequently, several of the same youngsters, including the sophisticated young lady, went back on another snow trip as student aides and the knowledge that they had gained on their first trip provided them with the talent which gave them status to guide the activities of other youngsters on the second trip.

For many youth a trip of this kind is their first experience at being away from home, particularly far away from home. The youth were impressed but also startled at the distance and miles driven to get to resort areas since they were not accustomed to journeys of this distance. A social outing contributed to a new learning experience for these youth.

The program began in 1967 with a phone call to a San Francisco boxing promoter who had indicated an interest in helping young people who had been in difficulty. The promoter provided the special supervision unit with 20 seats at an up-coming fight at no cost. It was this evening with probation officers, socially interacting with their wards at a public recreation event, that led to the development of an idea wherein probation supervision was conceived of as more than simply sitting down in an office and talking to young people. It led, instead, to doing something with them, doing something that frequently represented a new life experience for the young people.

In many ways, this project had characteristics similar to the headstart program sponsored by the Federal Government. Whereas headstart attempted to prepare children from the lower socioeconomic families for middle-class oriented schools they would encounter, this probation supervision effort was designed to try to acquaint an older age group with the cultural and recreational opportunities around them, opportunities that they normally were unable to utilize for a variety of reasons.[16]

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[16] William G. James, *Special Supervision Unit Progress Report.* (Santa Clara County Juvenile Probation Department, San Jose, Calif., mimeograph).

Gaining Humility

Another experience involved a special subsidy officer who advised that:

> **. . . we are beginning to discover how little we knew about changing the behavior of people. Special supervision caseloads force us to throw away our excuses. We have to think and act effectively. We no longer have an excuse for doing nothing because of large caseloads and too little time.**

This particular subsidy unit did not come into being overnight. It evolved on a deputy-by-deputy, case-by-case, procedure-by-procedure basis over a 12-months period. Almost 18 months elapsed before the unit received its full quota of 95 cases. Eventually, it consisted of a supervising probation officer, six deputy probation officers, three clerks, 75 wards of the court and 20 adult probationers. Most of the adult probationers are former wards of the juvenile courts with whom previous treatment efforts had failed.

Once the unit realized that it did not have command of all of the treatment techniques that might necessarily be needed for correcting a probationer, staff also became aware that they needed a system by which decisions could be made regarding the techniques that would be most appropriate or relevant to the client. They, therefore, began trying to look at the clients discriminately in an effort to develop realistic treatment plans.

As staff became aware of their need to know different treatment techniques in order to match them with client needs, they also gained an awareness that the written records they maintained were not useful in formulating a social diagnosis and shaping an appropriate treatment plan.

Lack of information forced officers into greater and greater relationships with their clients through interviews, through attempting to gain information that should have been gained in the past but had been neglected. In the process of trying to learn more about the offender, the probation officers could not escape their clients as they had when they had been numbers in a large caseload. Special supervision staff were directly exposed to the many sides of the probationers' personalities as they struggled through their extensive personal contacts. The probationers became more than just a series of interviews to be held, recorded, and evaluated. They became people who were relating to the probation officers as individuals. Staff were becoming more

involved in relating to the client. Probation cases became people and professional detachment began to crumble. Probation officers found their judgment about their clients complicated by their feelings for them as individuals.

As described by one of the people employed in the department, probation officers began to have doubts and troubled feelings. New relationships between probationers and probation officers also triggered new reciprocal expressions and relationships between parents and other members of the family. Relationships between staff and clients which had initially been shallow at best began changing. Casework which had been essentially a series of polite conversations rapidly became marked by new, vigorous and troublesome relationships. Probation officers could no longer close up their office at 5 o'clock and go home, feeling that they had earned their money if they had not resolved, even in part, the monumental problems faced by a single individual that day.

In discussing this particular unit's operation, the administrator responsible for the program suggested that it seemed to him that they had escaped from a condition in which high caseloads served as the excuse for all of the department's failures to one where low caseloads were now being used to explain all of the problems of the department. In his opinion, there was little question that the intensive supervision unit had set off a chain of reactions and consequences that touched every corner of the department. He also felt that traditional splits between professional employees in different divisions had been blurred, and, indeed, people who were relatively sure before where their work left off and someone else's began, were no longer certain. Staff was no longer comfortable about their traditional positions. One result was the emergence of a rough and perhaps primitive form of a continuum of treatment. In his opinion the most compelling and the most significant thing that had occurred was a recognition that there must be a rationale for action before action can be effectively taken. Furthermore, the rationale must be related in some way to a philosophy or body of knowledge to which the entire staff has access, can articulate, and is committed.

In summing up, one staff member said:

> **. . . We're sure of at least two things; first, there's nothing where we came from that's worth returning to, and second, we're relatively sure that we're headed in the right direction. Even if we don't achieve an ultimate goal, we're sure that those who follow us will have a much easier road and not so far to travel. . .**

Statement of Mission and a Variety of Activities

One special supervision unit has spent considerable time working at developing a mission. As stated, the unit's goal is to change offenders into nonoffenders. In more eloquent terms, they have stated that the probation officer's duty is seen as not only the efficient processing of cases referred to the court but also the maintenance of sufficient impact on the client to insure that his socially destructive behavior ceases. The personnel of this particular unit received training in encounter groups, transactional analysis, conjoint family therapy, and psychodrama, as well as differential treatment theory; further, they have identified that from their frame of reference, the offender is not an offender most of the time, he is not necessarily sick, he does have values which when violated produce guilt feelings, and that these characteristics provide the opportunities for significantly changing behavior that results in his coming before the court.

In developing specific program, the unit's personnel developed a cultural enrichment program, a recreation program, a summer camping program, a backpack survival program, a tutorial service, and a program for offenders to be involved as rehabilitation agents. The cultural enrichment program finds probation officers and clients enjoying things together, such as boxing, baseball, music, horseback riding, museums, beach, fishing, and other cultural and sports events.

A recreation program utilizes a local gymnasium where youth and probation officers develop and undergo a physical fitness program including calisthenics, basketball, swimming, and handball. Older offenders and youth participate with probation officers in the physical activities followed by small group discussions. As one officer put it: "You can learn more about a man by the way he competes than you can by an equivalent period of time in conversation."

The summer camp program sends 20 youths and three probation officers to a wilderness area where they are able to enjoy a participant-action-oriented program. In talking about the summer camp program, one officer indicated that some of the best times were spent around the campfire in the evening where his group could recap the day's activities and discuss problems confronting individuals in their relationships to other people. Out of their common experiences they draw comparisons about particular incidents and how they are related to everyday life. Participation in these discussions and experiences means that the officer begins to see his probationers in a different light, while they too gain a new perspective from which to view their officer. In this

personal and close relationship, offenders can question probation officers concerning their outlook on society and their views regarding behavior. Meaningful personal relationships begin to build, relationships that influence behavior.

Three probation officers and 10 probationers participate in a trails conference in which an emphasis is placed on developing close and deep interpersonal relationships as a basis for communication of ideas and feelings between people. In the trails conference experience, an effort is made to give probationers the opportunity to recognize how dependent they are on other people for help and assistance. Although physical needs are uppermost in the trails conference because of the survival nature of the program, the quiet and solitary isolation of a wilderness area also facilitates young people becoming conscious of the emotional, personal, and physical capacities of others.

An interesting component of one program is the emphasis on developing certain probationers as agents of change for other probationers. Not dissimilar to the concept behind Alcoholics Anonymous where the alcoholic stays dry by treating another alcoholic, an offender keeps out of trouble by helping someone else keep out of trouble. The probationer who becomes involved in trying to keep a friend out of difficulty makes a commitment not only to himself but to other people regarding his behavior. Human beings being what they are do not find it easy to lose face, by failing themselves or by letting their offender fail them through continued illegal behavior.

The Probationer as Probation Consultant

One county probation department has elected to employ two of their adult probationers as professional consultants to the probation staff. The probationers are paid a professional consulting fee for sitting in on staff meetings with the probation staff and critiqueing, analyzing, and commenting on matters relating to the general improvement of probation services in the county.

An outsider sitting in one one of these meetings finds it difficult to believe that the consultant is not an experienced consultant in organizational development. In this role the probationer is performing an organization development function frequently provided by university or training consultants. Their effort is to build a team by contributing to awareness, developing honesty, and focussing on critical problems and helping participants to "say it like it is." This is clearly a new role for the probationer under supervision.

Probation officers working with this project indicate that they did not take to this new role for probationer easily. It took time. But even those who claim to have been the most critical of the program in the beginning are now advocates of a project that involves an interested client in the staff conferences and discussions in which decisions are being made about other clients affected by the probation services provided or not provided.

Community Treatment

One of the nationally recognized probation subsidy programs operating in California is headed up by a black woman probation officer who has harnessed the community in the challenging job of trying to straighten out offenders between the ages of 13 and 18. The particular program involves both establishment and non-establishment black groups and organizations. Support and involvement comes from every nook and cranny of the impoverished neighborhood in which the special unit is located. Community workers, including adults who are sometimes in trouble with the law themselves are involved in the process of rehabilitating themselves and others. A probation officer and community-worker aides are on call 24 hours a day and represent a real source of assistance to people in trouble.

In working with families in the community, community workers bring parents to the office, sometimes even paying necessary fare, to discuss such things as being a parent, family planning, or simply to offer advice and assistance in relation to some of the educational needs of their children.

Psychologists are associated with the program, and attempt to undo some of the problems that have developed out of earlier experiences for both the adults and the juveniles. Community workers help teach the mothers of delinquents such commonplace skills as how to wield a mop, how to prepare a meal, how to mend clothes, how to change diapers, what one needs to do to encourage the children to attend school, etc. Assistance is generally offered in its most practical form. Action, not conversation is the operating motto.

When school is open, special tutoring classes are held for probationers in the community. Not particularly orthodox, but effective, was a method the teacher used to teach arithmetic. He handed out several sets of dice to reluctant scholars and distributed $1 each and announced that they were going to start shooting craps and keep the winnings. Needless to say, the experi-

ence in addition and subtraction made this arithmetic experience something more important than an academic exercise. Participants saw arithmetic in an entirely new light; they began to understand what adults had been nagging them about because the learning was real and involved immediate returns for involvement and effort.

The exciting thing about this particular program is that it is in a real sense a community based program wherein the staff and the community it serves are commonly involved in an important objective—the correction of the behavior of offenders who have been placed under supervision by the courts. In carrying out their nonstated objective of making offenders into nonoffenders, this particular program is utilizing a rather sophisticated learning theory based on primary groups which engage in social control through involvement and participation. In a learning sense, it is a laboratory experience that involves pride in successfully achieving accepted goals, a pride that is shared by both staff and offender alike. Perhaps this is truly the important aspect of this particular program, a program wherein the treater and the treated both learn through the common experience of doing things together.

The Professional Treaters

A group of eight young men just under 20 years were sitting about a room talking when four young ladies returned to the group session after a 10-minute break. Their group session had been going on for approximately an hour before the temporary break. Following a few brief social remarks, the group resumed its discussion and intense preoccupation with the behavior of two members who had recently found excuses and occasions to use drugs. The group was presided over by a young bearded psychologist who himself was a drug abuser a few years ago but who was now a part of a local private organization committed to helping other drug abusers by working with and through the probation department in their special supervision program.

An outsider would immediately have been struck with the strong abuse of the attacks by the group on the two offending drug users. With each presentation of an excuse or rationalization, by the abusers, the members of the group carefully stripped away and laid bare the falseness of the arguments they presented to justify a continued use of drugs. Personal problems, emotional strain, friends, all fell before the group as excuses for continued drug use.

Forty-five minutes later the group shifted its focus to the behavior of another member of the group but not before the first two members had accepted their personal responsibility for drug use and made a commitment to again back away from the habit which had brought them under the jurisdiction of the court.

The technique of confrontation or encounter groups for drug users has been pioneered by several different groups including Synanon. Adapted and modified to meet the needs of establishment organizations, the Mendocino State Hospital has developed a variation described as a family drug treatment approach. Members of the family are in fact just that—individuals who are cared for by others demonstrating their concern honestly and directly. In a family treatment experience similar to the one described, the family contends that they are the best judge of behavior of others who use drugs. Advocates argue that it is only after you have experienced the hell and temptations of drug abuse, along with the pleasure and rewards, that you are in a position to speak up honestly, directly, and knowledgeably about the problem.

The family group described had been meeting for over a year and although some members were known to have used narcotics during the course of the year, none had been rearrested and none officially charged for any new law violation. Over 80 percent of the group had been regularly employed and had assumed obligations for the care and support of their families for better than 12 months.

The program came into being as a result of a special supervision deputy being given the assignment to work with drug abusers without his knowing what to do. He recognized his own lack of knowledge about drug abuse and even knowledge about what programs were successful for those who had experimented with drugs. He turned, therefore, to a private organization dealing with drug abusers and asked for their help in setting up this special program.

Although it will be years before some final measures of success are documented on the ultimate success of this particular program or the participants in it, it is quite obvious that the probability of success for the program and one similar to it are much greater than the limited efforts normally offered by probation departments. Perhaps not the answer, certainly the program does represent a promise of what can be done for a large number of those individuals involved in drug abuse under a program of special probation supervision.

A footnote regarding the group might be of interest to the reader; each member of the group has, by agreement, and will continue to have, speaking assignments before high schools and junior high schools in the area to discuss with youth problems,

dangers, and penalties associated with experimenting with or using drugs. By admitting their problem and honestly discussing it before others, this group reaffirms its commitment to stay off drugs.

Program for Probationers in Custody

California, unlike many States or countries, permits the court to order county jail time as a condition of probation. Well over 50 percent of all the defendants convicted and placed on probation in California are sentenced to the county jail as a condition of their probation. The period of incarceration may vary from 3 to 12 months and generally involves nothing more than doing time either in county jail facility itself, or, in one of the more progressive counties, in the county jail farm.

The 1964 Probation Study, like others before it, reported that the county jails of California are warehouses whereby large numbers of offenders are contained without treatment or correctional care in any modern sense. Since large numbers of convicted offenders are doing time in the county jail as a condition of probation, California subsidy legislation has been interpreted as authorizing use of probation officers in the county jails as treatment agents. This means that county probation departments can, in cooperation with the sheriffs who operate the county jails, provide counseling, prerelease services, and if they desire, even educational or vocational training for these inmates. The program could, if it were so designed, include family counseling and treatment service outside of the custodial facilities.

Probably one of the most important features in terms of dollars and cents as well as human values relates to the prerelease counseling and placement service operated by the probation department. In sentencing a man to a county jail as a condition of probation, the court leaves open the option to consider modifying time served upon the recommendation of the probation officer. One such subsidy program in the county jail in California involves four deputies who spend well over one-half of their time in developing placements for men and women ready for early release. Their work involves living arrangements, employment and transportation. The preplacement unit establishes where the man will be placed by contacting the family or parents. Officers also contact prospective employers who have agreed to either consider reemployment or new employment for a man or woman upon release. Employers are sometimes transported to the jails for personal interviews by the placement staff.

The program is relatively new, having existed for slightly over one year. Of over 300 releases, close to two-thirds have gone from custody to an actual job placement in the community as a result of the work of the probation officer. No case has been released from custody early without having a placement where the probationer could reside. Modest savings have accrued to the county as a result of the program. Over one-third of those released have been released with modifications of the original sentence. In a majority of the cases the reduction in time served was in excess of two months. Put in a different context, the taxpayers of this county had been saved paying for about 200-man months of county jail time that might have been served if the extra 2 months originally ordered by the court had been served by the 100 men who were actually released early.

Of those released, only 5 percent have been involved in behavior that could have resulted in either a technical violation of probation or an actual violation based on a new offense. New offenses constituted slightly under half of the 5 percent figure quoted.

Although only a step in the direction toward which county jail programs of the future may move, this county, through its probation subsidy, has taken some of the most progressive steps in providing local institutional treatment and counseling known to exist anywhere in the State. Being a progressive county, both the sheriff and the chief probation officer are aware of Federal funds available through the Law Enforcement Assistance Administration. As progressive men they also see the State probation subsidy dollars as seed dollars to be used to generate additional Federal dollars for a modern program of local treatment for offenders in custody.

These, then, have been some of the programs operated in California under its probation subsidy. At best, the presentation has been sketchy and was intended to give the reader some feeling for the kinds of things that can be accomplished when one has the will and the imagination to do so. Subsidy has not resolved all of the problems of probation, but it has enabled it to take some giant steps forward in the development of programs.

EPILOGUE

California's subsidy has performed well for a new piece of legislation and has, in fact, had impact far beyond the simple reduction of commitments to State institutions. The implication of that impact for the entire criminal justice system is important, not only in California, but in other States as well.

Example for Others

The correctional system, as it actually operates, reverses the order of cost and effect, with those services costing the most generally serving the fewest and achieving the least. California spends over $200 million per year for the correctional care of about 15 percent of those under State supervision or custody. The remaining 85 percent of the correctional population is cared and paid for by the counties at a cost slightly less than $200 million. What would happen if this relationship was reversed and the bulk of correctional dollars were spent in the counties where 85 percent of the correctional population is, and where programs achieving the greatest success are found? This was, even though a limited effort, what probation subsidy attempted to achieve. The program proposed a method for transferring State correctional moneys back down the correctional system decision network to points in the community where costs are less and effects greater.

This principle of shifting correctional dollars to critical decision points within the justice network where adequate money and resources will have the greatest impact does not have to be limited to the criminal justice system of any single State. It is a principle that can be applied in a State administered system of probation as well as a county based one; it is applicable to States having combined State and county programs. The issue here is, will the most ineffective but expensive parts of the system enter into a

program that transfers its resources and capacities to another point in the system where resources will make a difference?

An example of a State department utilizing the performance principle in much the same way probation subsidy works with the counties is the increased parole effectiveness project initiated by the California Youth Authority early in 1971. Funded by the California Council on Criminal Justice from Federal moneys for a 2-year period, the project is committed to reducing parole violation rates and the criminal behavior of parolees sufficiently to enable the department to close a 400-ward insitution.

As designed, the Federal grant permits the department to establish a variety of differential programs throughout its parole operation. Although parole caseloads will not exceed an average of 50 on a statewide basis, the emphasis of the program is differential handling and care for the 15,000 youths under community supervision. Through a program of differential care and the proliferation of decision alternatives for those who must make them, recidivation rates will be lowered. This lowering the recidivation and criminal behavior rate of parolees by slightly under 20 percent from the established benchmark will enable the department to close an institution and utilize the resulting savings, on a continuing basis, to support an improved parole service program.

Approved by the Department of Finance, the Governor and his cabinet, the program reflects California's performance principle applied to a State program. Utilizing financial saving in institutional costs to support new and effective program developments in parole, the project clearly focuses on using savings generated by improved performance. (Without improved performance there are no savings to utilize for other new or desired services).

What California is doing within a single State department can also be accomplished by other State administered parole and probation systems where improved performance can reduce the necessity for State and local institutional care. The performance principle has been proven, and it is available to those States and communities willing to put their money where the results are.

Some Disappointments

California's subsidy has enabled probation departments to invest millions of new dollars to develop probation staff skills and provide critical services that were not previously available to local probation departments. But there have been disappointments with the total program.

Many probation departments are disturbed that the payment

table contained in California's probation subsidy legislation has not been adjusted annually as was originally intended. Inflation over the 5-year period has eaten into the earnings of the probation department, forcing a reduction in the level of special effort, in spite of increased earnings.

In the area of training, probation departments have not made as effective use of the training resource as was expected.

Although experimenting with a variety of classification models, many departments have still not come to grips with the principle of classification which matches offenders' needs to available staff services.

There has been too little research, too little use of volunteers and case aides, and too much copying of someone elses ideas regardless of the appropriateness.

There has been too little use of imagination in utilizing State moneys to attract Federal dollars for appropriate probation programs.

Programs for adults have lagged behind some of the more creative programs advanced for juveniles. There has not been the development of half-way houses or day-service centers for adult or juveniles that was originally expected. Most important, there has not been an enrichment of county jail services by probation departments working in concert with their county sheriff, except in a few cases.

Probably one of the major accomplishments achieved by subsidy has been the development of higher standards of performance by probation departments, which also have developed an ability to be critical of their practices and self-evaluative. Probation has become introspective. Departments are beginning to ask if they really know what they are trying to do, with whom and why. A willingness to question traditional methods and practices has emerged, and it is affecting departmental staff outside of special supervision programs. In some ways, probation has become humble, and out of that humility has come a desire to learn, to experiment and to effect change. While there is still too much desire and too little action in some quarters, probation is giving evidence of a new life that is transforming the service into a vital, dynamic effort in which everybody has a "piece of the action." Probation officers are once again beginning to care about individuals and not about their large caseloads. They are learning to be less apologetic for their own genuine human concerns.

The Beginning of a Professional Service

In summing up, it may be said that California probation is truly making progress toward becoming a professional service

and that to a great part, this professional growth may be attributed to subsidy.

Probation officers are beginning to demand that their offices be located in the areas where their clients reside. They are beginning to accept the fact that their work is not something that is carried out between the traditional working hours of 8 to 5. Increasingly, probation staff in special supervision units are making themselves available to clients after the normal working hours. They are becoming involved in the rehabilitative process in ways never before possible.

Organizationally, many changes are occurring. Departments are becoming sensitive to the need for good supervisory and management practices, particularly when implementing special supervision programs. Because of some unique quality about special supervision programs, administrators of probation departments are becoming sensitive to the need for good communication about objectives, policies, procedures, etc. Organizations are becoming more flexible in responding to the needs of subordinates within the organization, as well as clients. In a sense, probation departments have become responsive to the needs of both their employees and their constituency.

Special supervision programs serve only about one-tenth of the total State probation workload. To insure the effective utilization of the limited manpower provided by subsidy, State standards call for probation departments to articulate a classification scheme that is directed at matching client needs with departmental resources. In struggling to achieve this standard, probation departments are finding it more and more useful to reserve their special supervision units for intensive care, for those cases that actually require it. Classification is beginning to emerge as one of the primary mechanisms by which the impact of probation subsidy is magnified.

Changes are needed for future growth. Changes need to be made in relation to the payment table and in the kind of features which permit earning money one year and spending it in the two succeeding years. With these modifications, the present program will continue to contribute to a quiet revolution that began in California in 1966. The principle advanced by this unique subsidy, in spite of some misunderstanding and adjustment problems, is worthwhile because it does change practice, maximize service to offenders, reduce the cost of incarceration at the State level, and provides a meaningful service to those who are placed under probation supervision. The changes in the correctional system in California have been of revolutionary proportions and, like all progressive revolutions, organizations and men have been humanized in the process.

REFERENCES

Braithwaite, Jo Ann
1965 *A Cost-Sharing Program*, Sacramento, Calif.: Department of the Youth Authority.

Burdman, Milton and Winslow Rouse and Stuart Adams
1957 *Probation in California*, Sacramento, Calif.: State Board of Corrections.

Center on Administration of Criminal Justice 1970, "The Feasibility of Evaluating the California Probation Subsidy Program." Report of a conference held March 25–26, 1970, Davis, Calif.: University of California.

Cocks, Jack
1970 *The Case of the Unchased Carrot*. A paper prepared for Dr. William B. Storm, Los Angeles, Calif.; University of Southern California.

Craft, Robert
1971 "Fifth Annual Progress Report on the Probation Subsidy Program (1970–71 Fiscal Year)", Sacramento, Calif.: Department of the Youth Authority—(Progress Reports 1–4 also available).

Craft, Robert and George Saleebey and Robert L. Smith
1971 *Rules, Regulations and Standards of Performance for Special Supervision Programs*, Sacramento, Calif.: Department of the California Youth Authority.

Craft, Robert and Robert L. Smith
1969 *California's Probation Subsidy: A Report to the Legislature, 1966–1968*, Sacramento, Calif.: Department of the Youth Authority.

California Department of Justice
1971 *Characteristics of Adults and Juveniles in Regular and Subsidy Caseloads on December 31, 1970*. Sacramento, Calif.: Bureau of Criminal Statistics.

California Department of Justice
1970 *Crime and Delinquency, 1969*, Sacramento, Calif.: Bureau of Criminal Statistics.
Davis, George
1964 "A Study of Adult Probation Violation Rates by Means of the Cohort Approach." *The Journal of Criminal Law and Criminology and Police Science,* March 1964.
Department of the Youth Authority
1971 "Review of Evaluative Efforts to Study the Probation Subsidy Program," Sacramento, Calif.: Mimeo Paper, Division of Research and Development.
Department of the Youth Authority
1970 *California Law Relating to Youthful Offenders,* Sacramento, Calif., State of California.
Dill, Forrest
1970 "Organizational Change in Probation." *Feasibility of Evaluating the California Subsidy Program, Report of a Conference,* Davis, Calif.: Center on Administration of Criminal Justice, University of California.
James, William G.
1968 *Special Supervision Unit,* San Jose, Calif.: Santa Clara Juvenile Probation Department.
Johns, Dennis A.
1971 "The Evaluation of the Probation Subsidy Program." *Youth Authority Quarterly,* fall issue, 1971.
Johns, Dennis A.
1970–71 Probation Subsidy Evaluation Progress Reports 1–3. Sacramento, Calif.: Department of the California Youth Authority.
Joint Study By: Department of Finance, Department of the Youth Authority, County Probation Representatives.
1970 *State Aid for Probation Services,* Sacramento, Calif.: Department of the Youth Authority.
Los Angeles County Probation Department
1967 "State Aid for Probation Services." Administrative Memoranda Regarding Departmental Policies for Probation Subsidy, Los Angeles, Calif.
Saleebey, George
1971 "Building Community-Based Programs Through State Subsidies." Speech prepared for *1971 Workshop in Corrections,* Winston-Salem, N.C., Mar. 11–12, 1971.
Smith, Robert L.
1971 "A Quiet Revolution: Probation Subsidy." *Delinquency Prevention Reporter,* May 1971. Washington, D.C.: Youth Development and Delinquency Prevention

Administration, Department of Health, Education and Welfare.

Smith, Robert L.
1970 "California's Probation Subsidy—History and Policy Issues." Probation Research Conference Speech: University of California, Davis, Mar. 25–26, 1970.

Smith, Robert L.
1968 "1969—A Year of Decision." Youth Authority Quarterly, winter, 1968.

Smith, Robert L.
1968 "We Don't Put the Money on the Stump and Run Like Hell." Speech before the 13th Probation Administrators Training Course on Dec. 3, 1968. Sacramento, Calif.: Department of the Youth Authority.

Smith, Robert L.
1967 "Probation Subsidy: Success Story." *Youth Authority Quarterly,* winter, 1967.

Smith, Robert L.
1966 "California's Probation Subsidy." Sacramento. Calif.: Department of Youth Authority mimeographed statement.

Smith, Robert L.
1965 "Minimum Standards for Special Supervision Programs." First Working Draft of Standards for Special Supervision Programs, Sacramento, Calif.: Department of the Youth Authority.

Smith, Robert L.
1965 "Probation Supervision: A Plan of Action." *Youth Authority Quarterly,* summer issue, 1965.

Smith, Robert L.
1965 *The Board of Corrections Probation Study.* Sacramento, Calif.: Board of Corrections.

Velie, Lester
1971 "The Way to Lick the Jail Habit." *Reader's Digest,* February 1971.

Wilkins, Leslie T. and Don M. Gottfredson
1969 *Research, Demonstration and Social Action,* Washington, D.C.: The Office of Juvenile Delinquency and Youth Development, U.S. Department of Health, Education, and Welfare.

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